# THE SOCIETY OF FREE STATES

DWIGHT W. MORROW

Redwood Library
NEWPORT, R.I.
WITHDRAWN
THE GARDNER BLANCHARD PERRY FUND

# THE SOCIETY OF FREE STATES

# THE SOCIETY OF FREE STATES

By

DWIGHT W. MORROW

REDWOOD LIBRARY,
NEWPORT, R. I.

Harper & Brothers Publishers
New York and London

JUL 19 1919

F:H
.M83

THE SOCIETY OF FREE NATIONS

Copyright, 1919, by Harper & Brothers
Printed in the United States of America
Published April, 1919

D-T

# CONTENTS


| CHAP. | | PAGE |
|---|---|---|
| | FOREWORD | vii |
| I. | FOR WHAT HAS THE WORLD FOUGHT? | 1 |
| II. | PLANS FOR PERPETUAL PEACE | 12 |
| III. | ALEXANDER'S CONFEDERATION OF EUROPE | 34 |
| IV. | THE JURISTS, THE STATESMEN, AND THE DIPLOMATISTS | 52 |
| V. | THE INTERNATIONAL AGENCIES WHICH HAVE BEEN FORCED UPON THE WORLD BY THE DEMANDS OF COMMERCE | 78 |
| VI. | THE INTERNATIONAL ORGANIZATIONS WHICH WERE FORCED UPON THE ALLIED WORLD BY THE WAR WITH GERMANY | 99 |
| VII. | THE PRINCIPLE OF NATIONALITY | 119 |
| VIII. | CAN THE CONFLICT BETWEEN WORLD ORDER AND NATIONAL INDEPENDENCE BE RECONCILED? | 137 |
| IX. | THE DRAFT OF COVENANT SUBMITTED TO THE CONFERENCE, FEBRUARY 14, 1919 | 156 |
| X. | CONCLUSION | 189 |
| | APPENDIX | 198 |
| | INDEX | 213 |

# FOREWORD

THE papers reprinted in this book appeared originally in the New York *Evening Post* of February 21, 22, 24, 25, 26, 27, 28, and March 1, 6, and 7. The writer spent most of the year 1918 in Europe, in the work of the Allied Maritime Transport Council, where he had the opportunity to see the great difficulties in securing effective international co-operation even at a time when the Allied Governments had the strongest self-interest in working together. Chapter VI contains some description of the work of the Allied Maritime Transport Council and other co-operative agencies forced upon the Allies by the pressure of the war. Except for that chapter there is little in this volume that may be called original. The aim of the writer has been to review some of the efforts heretofore made to avert war, to consider some of the forces that have been working to bring the world closer together, to give a short account of the growth of the spirit of nationality, and to indicate the conflict between the national aspirations of the separate

States and the idea of a League of Nations. The papers were written with reference to the fundamental problems which seem to underlie effective co-operation rather than as a criticism of the draft of Covenant submitted to the Peace Conference on February 14, 1919, by the special Commission on the League of Nations. A review, however, of some of the principal features of that draft of Covenant will be found in Chapter IX.

The papers have been slightly revised since their appearance in the New York *Evening Post*, some foot-notes have been added, and a short bibliography is given at the end of each chapter. The literature on the subject, especially during the last year, is very large, and no effort has been made to give a complete bibliography of the authorities consulted.

The writer is conscious of the shortcomings of this volume. Faults in style will be forgiven in a book written necessarily in haste; faults in substance or in reasoning perhaps will be corrected by others. There is one thing to be said for a book, even with faults, upon the important topic of world organization—it may present a point of view which will lead to a better book.

D. W. M.

*March 20, 1919.*

# THE SOCIETY OF FREE STATES

*And here I think that I may make an end; not that I have said all that might be said, but that enough has been said to lay the foundations; on which, if any one will erect a fairer superstructure, he will be so far from being the object of any grudging on my part, that I shall be grateful to him. Only before I dismiss the reader, as when I spoke of undertaking a war, I added admonitions on the duty of avoiding war as much as possible, so now I will add a few admonitions which may tend in war, and after war, to the preservation of good faith and peace; and of good faith, both on other accounts, and that the hope of peace may not be destroyed. For not only is each commonwealth kept together by good faith, as Cicero says, but that greater society of which nations are the members. If* FAITH *be taken away, as Aristotle says,* THE INTERCOURSE OF MEN IS ABOLISHED.

Grotius (1625).

# THE SOCIETY OF FREE STATES

## I

### FOR WHAT HAS THE WORLD FOUGHT?

FOR four years and a half the greater portion of the world has been engaged in a life-and-death struggle with the Central Powers. On the day the armistice was signed twenty States were at war with Germany. The wreckage cannot yet be appraised. Many millions of men—young men who held the promise of the future—have been killed. Many more have been permanently maimed. So long as the present generation lives men without arms or legs will be a part of our community life. Why have men fought and died? Why have they lived for months and years under almost inconceivable hardships? Surely not because they had any interest in Francis Ferdinand of

Austria, who was murdered by a Serbian at Sarajevo on June 28, 1914. Probably the majority of the soldiers in the field on November 11, 1918, when the armistice was signed, had never heard of Sarajevo.

From the earliest times men have fought one another individually, and the groups into which they have associated themselves have fought each other. Theoretical writers have pictured a golden age from which we have degenerated. There is no warrant for such a belief. Neither permanent peace nor permanent war can be called the natural state of mankind. Man from the beginning has been, and is now, both peaceful and warlike. If we look upon peace simply as cessation of warfare between separate States there would obviously be peace if the whole world came under the sway of a single State. The world almost attained such a peace under the Roman Empire, but it was peace by force. During the Middle Ages there was a qualified peace under the Church, but it was more apparent than real. With the break-up of the Holy Roman Empire, and the schism in the Church, there began the period of the modern national State. The growth of the national States has been marked by alternate periods of peace and war. States have fought for boundaries, for religion, for property and

trade, for honor. The temptation is great to seek a simple explanation of war. Some have attributed wars to the pride and greed of autocratic leaders, forgetting the waves of passion that sweep over countries, compelling leaders to bend to that passion or lose their high place. Some attribute wars to the growth of modern capitalism, forgetting that there were bitter wars before modern capitalism existed. Some attribute wars to armament firms and others to unpreparedness. As a matter of fact, there is no short formula. The settlement of disputes within a State by the rule of reason—with all the imperfections of its application—has become more and more established. But the differences between States have continued, and at times have reached such a stage of acuteness that rulers and people have been willing to spend their lives and fortunes in defending their side of the cause.

As the world has grown older the general tendency has been for the different units which we call States to amalgamate, with the result that the number of the units becomes smaller and the size of a single unit larger. This tendency to amalgamation naturally results from increasing contact between two units. If we could conceive to-day of two States entirely separated, with no interchange of travelers, or

traders, or missionaries, there would be little chance of war between them. As the separate units come in contact with one another, however, differences disclose themselves. These differences must be settled. If they cannot be settled by agreement, they may become so vital that men will feel they can be settled only by force. The settlement of differences at any particular time, whether by agreement or by force, may result in the two units remaining independent, and thereafter having close relationships with each other under some *modus vivendi* which enables them to adjust from time to time differences as they arise. On the other hand, it may result in the two States being amalgamated into a single State. Such a process of amalgamation went on in France five hundred years ago, such a process brought England and Scotland and Wales together, such a process made Texas a part of the United States, such a process made a united Italy. Obviously, amalgamations of this kind can come about in only two ways—by force or by agreement; and it must be admitted that there are many more instances in history of amalgamation by force than by agreement.

With the growth of civilization, with the increase of connecting links between the great civilized States, we had generally come to be-

lieve that the time-honored practice of incorporating one State into another by the method of force had gone by, and that future consolidations of States would come only by agreement. We were mistaken. Prussia, by its conduct in 1864, in 1866, in 1870, had given the world every reason to believe that it still adhered to the method of force. America declined to believe it until Prussia struck in 1914. For four years and a half the world has been fighting as a protest against this ancient method of force. It has been fighting to demonstrate that such a method is impossible of success. It has been fighting to reduce the likelihood of that method ever being used again. The world has been fighting in the hope that some means may be found to substitute agreement for force. As Mr. Asquith put it, we have been fighting for the "enthronement of the idea of public right." Germany made many protests that other States had used the method of force in times gone by. Let that be admitted. All the more reason was there for joining together to denounce the precedents which seemed to warrant such a tragedy. President Wilson stated the issue in his Mount Vernon speech:

> The past and the present are in deadly grapple and the peoples of the world are being done to

death between them. There can be but one issue. The settlement must be final. There can be no compromise. No half-way decision would be tolerable. No half-way decision is conceivable.

There has been no compromise. Germany has been beaten. Her defeat has been more crushing than most people expected. We have proved to ourselves, and to the rulers and people of Germany, that for her this war has not paid. We have shown that even an unprepared world has been able to arise in its wrath to stop—though at fearful cost—the pretensions of autocratic power to impose its will by force upon its neighbors. The world at least has gained that much from the war. But is that enough?

The leading statesmen of all the countries have pronounced that it is not enough. They have promised the people a new world order. Very early in the war Mr. Asquith expressed the hope that the ending of the war would bring a "real European partnership," and he went on to say: "A year ago that would have sounded like a Utopian idea. It is probably one that may not, or will not, be realized either to-day or to-morrow. If and when this war is decided in favor of the Allies it will at once come within the range, and before long within the grasp, of European statesmanship." As the intensity and destructiveness of the war in-

creased, the leaders of the warring States became more and more convinced that something must be done to prevent the repetition of such a tragedy. President Wilson in the speech which sets forth his fourteen points refers to this war as the "culminating and final war for human liberty." Mr. Lloyd George stated in his address on September 12, 1918, that "this must be the last war"; and on November 11, 1918, when he announced the terms of the armistice, he said: "I hope we may say that thus, this fateful morning, came an end to all wars." Mr. Taft was reported in the London *Times* of December 10, 1918, as having said: "I say to you that unless a league of nations emerges from the conference in Paris the whole war is a failure." And it is not only in the words of statesmen that this desire for some new international order is heard. Millions of people are expecting some concrete realization of the promises of the statesmen. In the statement of the Inter-Allied Labor War Aims it is expressed thus: "Whoever triumphs, the people will have lost unless an international system is established which will prevent war." And Mr. Samuel Gompers, in presenting the war aims of the American Federation of Labor to the Inter-Allied Labor and Socialist Conference held in London on September 18, 1918, stated that the first

fundamental principle which must underlie the Peace Treaty should be "a League of the free peoples of the world in a common Covenant for genuine and practical co-operation to secure justice, and therefore peace, in relations between nations."

It will not suffice to tell the people that a solution is impracticable. You cannot permanently combat an ideal with a negation; you can combat it only with another ideal. The people of Russia are seeking international peace by a new pathway. Will it be of any avail to tell them that their pathway does not lead to the goal they seek? The statesmen must offer the world a remedy, a remedy that promises a hope of avoiding, or reducing the frequency of, future armed conflicts. And the statesmen must not be afraid to try new methods. In the words of President Wilson:

> If hopeful and generous enterprise is to be renewed, if the healing and helpful arts of life are to be revived when peace comes again, a new atmosphere of justice and friendship must be generated by means the world has never tried before.

There are two implications in the expression just quoted. The first is that the vital thing is to generate "a new atmosphere of justice and friendship"; the second is that in trying to

generate and maintain this justice and friendship men must have the courage to try methods that have never been tried before. However widely men may differ as to methods, no rational man can dissent from the desire of the President as thus expressed. It is surely idle to expect leagues, or partnerships, or societies, or high courts of justice, to be effective unless the great body of mankind wants justice and friendship more than it has wanted them before. Moreover, the leaders of the present generation would be falling far short of their duty and their opportunity if, in seeking this justice and friendship, they did not improve upon former methods. This does not mean, however, that we can ignore the means which the world has tried before. If for no other reason than to avoid discredited or unwise methods, it is important that we should know what methods have been tried and why they have partially or wholly failed.

For purposes of convenience we may consider former efforts to secure international cooperation under five headings:

(1) Plans for perpetual peace;
(2) Attempts to create a confederation of Europe after the Napoleonic Wars;
(3) Efforts of jurists, statesmen and diplomatists

to substitute agreement for force in the settlement of international disputes;

(4) The international co-operation forced on the world by science and commerce;

(5) The international machinery adopted by the Allied nations by reason of the pressure of the war with Germany.

It is not pretended that the foregoing classification is a strictly scientific one, or even that it is the best one. It will permit, however, a brief review of the failures and successes of those who have gone before us. We may be able to see a little farther ahead if we are willing to stand on the shoulders of our fathers.

## BIBLIOGRAPHY

WILLIAM GRAHAM SUMNER, "War," in *War and Other Essays*, pp. 3–40, edited by Albert Galloway Keller.

*President Wilson's Foreign Policy*, edited by James Brown Scott, containing the addresses of the President to April 6, 1918. For his addresses subsequent to that date, see the daily press.

*A League of Nations, Bimonthly Pamphlets of the World Peace Foundation*, Vol. I, No. 1, containing "What We Are Fighting For," by President Wilson, ex-President Taft, and President Lowell, of Harvard University; Vol. I, No. 3, containing "War Aims of Belligerents

as Elicited by Russia's Attempt to Secure a General Peace."

James Bryce (Viscount Bryce), *Essays and Addresses in Wartime*, especially "The Attitude of Great Britain in the Present War," pp. 17 to 38; "The War State: Its Mind and Its Methods," pp. 39 to 64; "The War and Human Progress," pp. 65 to 91.

G. Lowes Dickinson, *The European Anarchy*.

## II

### PLANS FOR PERPETUAL PEACE

FOR three hundred years and more philosophers and statesmen have dreamed of perpetual peace, and from time to time—especially when the horrors of war were fresh in mind—men have put forward plans which they thought would make that dream come true. It is worth our while to review some of these projects.

One of the earliest of the peace plans was that of Emeric Crucé, who published at Paris, in 1623, a book called, *Le Nouveau Cynée*, which he described in the sub-title as a "Discourse of the Occasions and Means to Establish a General Peace, and the Liberty of Commerce Throughout the Whole World."[1] This book

[1] For the sake of saving space, Dante's ideal of a universal Christian empire, expressed in his *De Monarchia*, the scheme of Pierre Dubois for a general European alliance and a permanent Court of Arbitration, set forth in 1305 in his *De Recuperatione Terre Sancte*, and Antoine Marini's proposal for a federation of the Christian States of Europe, presented in 1460, are passed over with no further mention.

A copy of Crucé's book came to the Harvard University Library in 1874 through the private library of Charles Sumner. In

was published while the destructive Thirty Years' War was in its early stages. The remarkable thing about Crucé's work is not his plan of world organization, but the fact that a monk and pedagogue in the early part of the seventeenth century should lay so much stress upon the value of international commerce in bringing about world peace. He no doubt reflected the spirit of a Europe which was in the midst of the Commercial Revolution when he tells us that "there is no occupation to compare in utility with that of the merchant who legitimately increases his resources by the expenditure of his labor and often at the peril of his life, without injuring or offending anyone: in which he is more worthy of praise than the soldier, whose advancement depends upon the spoil and destruction of others. And since it is now the question how to banish idleness, and divert the evil ideas that it ordinarily causes in the minds of ne'er-do-wells, there is no better expedient for that than commerce, to which Princes must urge their subjects by every sort of expedient." To the end that this commerce on sea and land might be promoted, Crucé pro-

---

1909 it was translated by Thomas Willing Balch, the French text and Mr. Balch's translation being published by Allen, Lane & Scott, of Philadelphia. All the quotations from Crucé given in this article are from the translation of Mr. Balch.

posed the abolition of piracy, the undertaking of artificial waterways, a uniform standard of money and of weights. In all of this Crucé sought "a peace, which is not patched up, nor for three days, but which is voluntary, equitable, and permanent, a peace which gives to each one what belongs to him, privilege to the citizen, hospitality to the foreigner, and to all indifferently the liberty of travel and trading."

To bring about this peace and "to assure it to perpetuity: which is very difficult," Crucé proposed that a city be chosen, for which purpose he suggested Venice, "where all sovereigns should have perpetually their ambassadors in order that the differences that might arise should be settled by the judgment of the whole assembly." The great republics would likewise have their agents in the same place. This great assembly was to consist of the Pope, the Sultan of Turkey, the Emperor of the Holy Roman Empire, the King of France, the King of Spain, the King of Persia, the King of China, Prester John, the Precop of Tartary, the Grand Duke of Muscovy, the Kings of Great Britain, Poland, Denmark, Sweden, Japan, and Morocco, the Great Mogul and other monarchs as well from India as from Africa. The order of precedence of the principal partners is carefully set forth, and the kings and emperors were to judge the

precedences of princes of lesser ranks and to "assign to each his place, which they will accept, as is to be presumed, with good will." All the princes were to hold as inviolable law what would be ordained by the majority of votes in the assembly. Discontents were to be met half-way and appeased "by gentle means, if it could be done, or, in case of necessity, by force."

Crucé's whole book is addressed to princes, who are described as "images of God, guardians of peoples, destined to heal not to wound, to build not to destroy." The princes can bring about peace if they will, and they can thereafter maintain it if they will govern the people in accordance with wise policy. "Only let peace be published By the Orders of the King. These words will make their arms drop from their hands. There will be perhaps a little difficulty to bring back to a peaceful life the Turks and the Tartars, who do not voluntarily do any other work except war: but those people show such obedience to their Princes, that seeing them resolved on peace, they will not dare to contradict them." There is a quaint passage in which Crucé describes the character of the people who are thus readily to follow the commands of their princes: "But it must be admitted that men augment greatly their miseries

through impatience and dissatisfaction. They no sooner feel the least pain than they wish to apply to it a violent remedy. They bark against tyranny, which nevertheless they exercise in their houses with impunity. Do we not see the injustices that masters do to their valets, fathers to their children, preceptors to their disciples? It is a common vice to abuse one's power and show oneself insolent to one's inferiors. I do not say this to excuse the bad princes, which one cannot too much condemn, but to show that it is better to have a catarrhal head than not to have any at all, and that tyranny does not free subjects from the obedience which they owe to their sovereign."

Crucé was so far ahead of his age in his conception of trade and commerce that it is all the more surprising that he did not see (or, if he saw, that he was afraid to express) the national aspirations of the people of Europe or the stirrings of political and religious liberty. He thus disposes of the two great religious reformers: "Luther and Calvin, what a mess have they not made with their tongues and writings, under pretense of reforming the abuses of Christianity! Such people must be anticipated, and forbidden to dogmatize either in public or in private, under penalty of rigorous punishment. For they attract the people which

allows itself to be easily led off by the appearance of piety, as well as by the hope of liberty or a better condition." In his new government of the world, which might conceivably have to deal with such anticipations and forbiddings, the Sultan of Turkey, the King of Persia, the King of China, and the Grand Duke of Muscovy were to sit at a table with the King of France and have an equal vote with him. Prester John and the Precop of Tartary were also to be there, if anybody could find them.[2]

The Great Design of Henry IV is probably the best known of all the early peace plans. Henry IV was King of France from 1589 to 1610. The memoirs of his minister, the Duke of Sully, were published in four volumes, the first two in 1634, the third and fourth in 1662. There are references to the Great Design in all the volumes, but the fourth volume contains the chapter which sets forth the plan in some detail.[3] For our purposes it is now not material whether

[2] Prester John was a mythical king, located sometimes in Africa, sometimes in India, and sometimes in China (see Cheyney's *European Background of American History*, pp. 8, 51, 63). By the Precop of Tartary was probably meant the Khan of the Krim Tartars, who lived in Crucé's time in Southeastern Russia, in the Crimean district.

[3] The chapter from the fourth volume is reprinted in a volume entitled *The Great Design of Henry IV*, published for the International School of Peace by Ginn & Co., in 1909, with an introduction by Edwin D. Mead. The quotations from the Great Design are from this American book.

the plan was really Henry's or whether, as is more probable, it was wholly or partially an invention of Sully's. The Great Design contemplated the establishment of a universal Christian republic in Europe, comprising six hereditary monarchies, five elective monarchies, and four republics "in such a manner that none of them might have cause either of envy or fear from the possessions or power of the others." A general council of Europe was to be formed, modeled on the Amphictyonic Council of Greece. This council was to consist of commissioners, ministers, or plenipotentiaries from the various powers. It was contemplated that there should be four commissioners from each of the large powers and two from the republics and inferior powers. The members of the councils were to be constantly assembled "to deliberate on any affairs which might occur, to discuss the different interests, pacify the quarrels, clear up and determine all the civil, political, and religious affairs of Europe, whether within itself or with its neighbors." It was not determined whether the council should meet at a fixed place or whether it should travel from city to city. It was thought possible that, in addition to the general council, there might be needed subordinate councils acting under the general council. "The laws and ordinances

proper to cement a union between all these princes, and to maintain that harmony which should be at once established among them, the reciprocal oaths and engagements in regard both to religion and policy, the mutual assurances in respect to the freedom of commerce, and the measures to be taken to make all these partitions with equity and to the general content and satisfaction of the parties; all these matters are to be understood, nor is it necessary to say anything of the precaution taken by Henry in regard to them. The most that could have happened would have been some trifling difficulties, which would easily have been obviated in the general council, representing all the states of Europe, the establishment of which was certainly the happiest invention that could have been conceived to prevent those innovations which time often introduces in the wisest and most useful institutions."

This ambitious program required a complete remaking of the map of Europe. From this point of view the Design was really a great military coalition directed against Austria and Spain. The House of Austria was to be deprived of its leadership in the Holy Roman Empire and of all its possessions in Europe except the Kingdom of Spain. It was to be indemnified, however, by having turned over to it certain

European islands and by the increase of its dominions in other parts of the world, including America. It was to be declared "the sole proprietor both of what we do know and of what we may hereafter discover in those parts." It was expected that Austria and Spain would bow before such a military coalition. If they declined to do so, then all the powerful princes of Europe, most of whom were to receive something, were to impose the new dispensation by force of arms. It was recognized that three religions prevailed in Europe—the Roman, the Protestant, and the Reformed. These religions were to be preserved and strengthened "in such a manner, nevertheless, that this indulgence may not become an encouragement to the production of new sects or opinions, which should carefully be suppressed on their first appearance." The carrying out of the plan was interrupted (according to Sully) by the death of Henry at the hand of an assassin in 1610.

William Penn published an essay, *Towards the Present and Future Peace of Europe*, in 1693, while the wars of conquest of Louis XIV were still going on.[4] Penn pointed out the great bless-

[4] This essay has been reprinted in a pamphlet published by the American Peace Society of Washington, D. C., in 1912, from which pamphlet the quotations from Penn are taken.

ings and beauties of peace, which can be appreciated best during the tragedy of war. It is through justice that peace is procured and preserved. "That which prevents a civil war in a nation is that which may prevent it abroad, viz.: Justice." Governments are expedients against confusion. At first man was governed by the head of a family. Until society was formed every man "is his own king, does what he lists at his own peril." But when he submits to society he submits himself to the law. "So depraved is human nature, that without compulsion some way or other, too many would not readily be brought to do what they know is right and fit, or avoid what they are satisfied they should not do." This brings Penn to his solution. As men have submitted themselves to government, so the various governments should submit themselves to a higher government. "If the Soveraign Princes of Europe, who represent that society, or independent state of men that was previous to the obligations of society, would, for the same Reason that engaged men first into society, viz.: Love of peace and order, agree to meet by their stated deputies in a general dyet, estates, or parliament, and there establish rules of justice for soveraign princes to observe one to another; and thus to meet yearly, or once in two or three

years at farthest, or as they shall see cause, and to be stiled, the Soveraign or Imperial Dyet, Parliament, or State of Europe; before which soveraign assembly, should be brought all differences depending between one soveraign and another, that can not be made up by private embassies, before the sessions begin; and that if any of the soveraignties that constitute these imperial States shall refuse to submit their claim or pretensions to them, or to abide and perform the judgment thereof, and seek their remedy by arms, or delay their compliance beyond the time prefixt in their resolutions, all the other soveraignties, united as one strength, shall compel the submission and performance of the sentence, with damages to the suffering party, and charges to the soveraignties that obliged their submission."

Penn proposed that in this general parliament the votes of the several States should be in accordance with "the yearly value of the several soveraign countries." This yearly value is to be estimated "by considering the revenue of lands, the exports and entries at the custom-houses, the books and rates, and surveys that are in all governments.". Penn made a suggestion as to the representation of the States "wholly by guess, being but for example's

sake."[5] This suggestion allowed "the Empire of Germany to send twelve; France, ten; Spain, ten; Italy, which comes to France, eight; England, six; Portugal, three; Sweedland, four; Denmark, three; Poland, four; Venice, three; the Seven Provinces, four; the Thirteen Cantons and little Neighbouring Soveraignties, two; Dukedoms of Holstein and Courland, one; and if the Turks and Muscovites are taken in, as seems but fit and just, they will make ten apiece more. The whole makes ninety." To avoid quarrels about precedency, Penn suggested that the room in which the council met should be round, with "divers doors to come in and go

[5] This question of distributing the voting power, which Penn dismissed so lightly, has been one of the most obstinate problems involved in all interstate organizations. The experience of the American Colonies and States is a case in point. When the Continental Congress assembled on September 5, 1774, the question as to the method of voting arose at the very outset. John Adams in his diary thus states the difficulty: "If we vote by interests, it will be attended with insuperable difficulties to ascertain the true importance of each Colony. Is the weight of a Colony to be ascertained by the number of inhabitants merely, or by the amount of their trade, the quantity of their exports and imports, or by any compound ratio of both? This will lead us to such a field of controversy as will greatly perplex us." (See *Works of John Adams*, Vol. II, p. 366.) The Continental Congress debated this question with considerable bitterness until October, 1777, when it was determined that each Colony should have one vote. *Journals of the Continental Congress*, edition of 1904, Vol. I, p. 25; Vol. II, p. 221; Vol. V, pp. 548 and 550; Vol. IX, pp. 779–782. How near it came to wrecking the Federal Constitutional Convention is well known.

out at." Apparently, the votes of each state were to be cast as a unit. To prevent corruption, voting was to be secret. Nothing was to pass without a three-quarters vote of the whole, because thereby "if money could ever be a temptation in such a court, it would cost a great deal of money to weigh down the wrong scale." Penn's whole plan for peace was based upon the belief that "Wars are Duels of Princes." If this were but true, how much easier would be the solution!

The Abbé de St. Pierre, who had attended the conference which led to the Treaty of Utrecht, published in 1712 an essay outlining his plan for perpetual peace, which he expanded into a work of two volumes published in 1713, followed by a third volume in 1717. His plan was based upon the Great Design of Henry IV. The following were the fundamental principles and propositions involved in the Abbé's scheme:[6]

(1) There shall be from this day forward a Society, a permanent and perpetual Union between the undersigned Sovereigns, and, if possible, among all Christian Sovereigns, to preserve unbroken peace in Europe. The Sovereigns shall be perpetually represented by their Deputies in a perpetual Congress or Senate in a free city.

[6] W. E. Darby, *International Tribunals*, edition of 1904, pp. 70–76.

(2) The European Society shall not at all interfere with the Government of any State, except to preserve its constitution, and to render prompt and adequate assistance to rulers and chief magistrates against seditious persons and rebels.

(3) The Union shall employ its whole strength and care in order, during regencies, minorities, or feeble reigns, to prevent injury to the Sovereign, either in his person or prerogatives, or to the Sovereign House, and in case of such shall send Commissioners to inquire into the facts, and troops to punish the guilty.

(4) Each Sovereign shall be contented, he and his successors, with the Territory he actually possesses, or which he is to possess by the accompanying Treaty. No Sovereign, nor member of a Sovereign Family, can be Sovereign of any State besides that or those which are actually in the possession of his family. The annuities which the Sovereigns owe to the private persons of another State shall be paid as heretofore. No Sovereign shall assume the title of Lord of any Country of which he is not in possession, and the Sovereigns shall not make an exchange of Territory or sign any Treaty among themselves except by a majority of the four-and-twenty votes of the Union, which shall remain guarantee for the execution of reciprocal promises.

(5) No Sovereign shall henceforth possess two Sovereignties, either hereditary or elective, except that the Electors of the Empire may be elected Emperors, so long as there shall be Emperors. If

by right of succession there should fall to a Sovereign a State more considerable than that which he possesses, he may leave that which he possesses, and settle himself on that which is fallen to him.

(6) The Kingdom of Spain shall not go out of the House of Bourbon, etc.

. . . . . .

(7) The Deputies shall incessantly labour to codify all the Articles of Commerce in general, and between different nations in particular; but in such a manner that the laws may be equal and reciprocal towards all nations, and founded upon Equity. The Articles which shall have been passed by a majority of the votes of the original Deputies, shall be executed provisionally according to their Form and Tenour, till they be amended and improved by three-fourths of the votes, when a greater number of members shall have signed the Union.

The Union shall establish in different towns Chambers of Commerce, consisting of Deputies authorised to reconcile, and to judge strictly and without Appeal, the disputes that shall arise either in relation to Commerce or other matters, between the subjects of different Sovereigns, in value above ten thousand pounds; the other suits, of less consequence, shall be decided, as usual, by the judges of the place where the defendant lives. Each Sovereign shall lend his hand to the execution of the judgments of the Chambers of Commerce, as if they were his own judgments.

Each Sovereign shall, at his own charge, exter-

minate his inland robbers and banditti, and the pirates on his coasts, upon pain of making reparation; and if he has need of help, the Union shall assist him.

(8) No Sovereign shall take up arms, or commit any hostility, but against him who shall be declared an enemy to the European Society. But if he has any cause to complain of any of the Members, or any demand to make upon them, he shall order his Deputy to present a memorial to the Senate in the City of Peace, and the Senate shall take care to reconcile the difference by its mediating Commissioners; or, if they cannot be reconciled, the Senate shall judge them by arbitral judgment, by majority of votes provisionally, and by three-fourths of the votes definitely. This judgment shall not be given until each Senator shall have received the instructions and orders of his master upon that point, and until he shall have communicated them to the Senate.

The Sovereign who shall take up arms before the Union has declared war, or who shall refuse to execute a regulation of the Society, or a judgment of the Senate, shall be declared an enemy to the Society, and it shall make war upon him, until he be disarmed, and until its judgments and regulations be executed, and he shall even pay the charges of the war, and the country that shall be conquered from him at the close of hostilities shall be for ever separated from his dominions.

If, after the Society is formed to the number of fourteen votes, a Sovereign should refuse to enter

into it, it shall declare him an enemy to the repose of Europe, and shall make war upon him until he enter into it, or until he be entirely despoiled.

(9) There shall be in the Senate of EUROPE four-and-twenty Senators or Deputies of the United Sovereigns, neither more nor less, namely: FRANCE, SPAIN, ENGLAND, HOLLAND, SAVOY, PORTUGAL, BAVARIA and Associates, VENICE, GENOA and Associates, FLORENCE and Associates, SWITZERLAND and Associates, LORRAIN and Associates, SWEDEN, DENMARK, POLAND, the Pope, MUSCOVY, AUSTRIA, COURLAND and Associates, PRUSSIA, SAXONY, PALATINE and Associates, HANOVER and Associates, Ecclesiastical Electors and Associates. Each Deputy shall have but one vote.

(10) The Members and Associates of the Union shall contribute to the expenses of the Society, and to the subsidies for its security, each in proportion to his revenues, and to the riches of his people, and everyone's quota shall at first be regulated provisionally by a majority, and afterwards by three-fourths of the votes, when the Commissioners of the Union shall have taken, in each State, what instructions and information shall be necessary thereupon; and if any one is found to have paid too much provisionally, it shall afterwards be made up to him, both in principal and interest, by those who shall have paid too little. The less powerful Sovereigns and Associates in forming one vote, shall alternately nominate their Deputy in proportion to their quotas.

(11) When the Senate shall deliberate upon anything pressing and imperative for the security of the Society, either to prevent or quell sedition, the question may be decided by a majority of votes provisionally, and, before it is deliberated upon, they shall begin by deciding, by majority, whether the matter is imperative.

(12) None of the eleven fundamental Articles above-named shall be in any point altered, without the UNANIMOUS consent of all the members; but as for the other Articles, the Society may always, by three-fourths of the votes, add or diminish, for the common good, whatever it shall think fit.

The good Abbé was anxious lest England should anticipate France. "I have an inexpressible dread," he said, "lest human reason should go faster at London than at Paris, where, for the present, demonstrated truths have more difficulty in embodying themselves into institutions." [7] The Abbé's friend, Cardinal Fleury (then Bishop of Fréjus), did not share this fear. When the Abbé's plan was submitted to him he said, "You have forgotten the most essential article—that of sending forth a troop of missionaries to persuade the hearts of princes and induce them to accept your views." [8]

---

[7] William Maccall, "The Abbé de Saint-Pierre," in *Foreign Biographies*, Vol. I, p. 125.

[8] *Ibid.*, p. 119.

Leibnitz, in 1715, published a paper on the Abbé's project. He notes that "there was no provision for the hearing of the complaints of subjects against their sovereigns." [9] Rousseau, writing in 1756, raises the same objection: "It is impossible to guarantee the prince against the rebellion of his subjects without at the same time securing the subjects against the tyranny of the prince; . . . without this, the Federation could not possibly endure. And I ask whether there is in the whole world a single Sovereign who, finding himself thus bridled forever in his most cherished designs, would endure without indignation the very thought of seeing himself forced to be just not only with the foreigner, but even with his own subjects?" [10] Jeremy Bentham, writing between 1786 and 1789, prepared a plan for a universal and perpetual peace, which called for limited armaments and emancipation of distant colonies, and provided for a "common court of judicature" which, apparently, was to be both a court and a congress. While the decisions of this court or congress were not directly supported by coercive power, Bentham relied upon the force of public opinion

[9] Introduction to William Ladd's *Essay on a Congress of Nations*, by James Brown Scott, p. xxix; cf., Darby's *International Tribunals*, pp. 98 ff.

[10] Jean Jacques Rousseau, *A Lasting Peace*, translated by C. E. Vaughan, p. 96.

to bring about compliance with the judgments of the court and "contemplated that as a last resort" troops might be furnished by the several States.[11]

Rousseau evidently believed that Henry IV might have carried out his design: "A war, destined to be the end of all wars, was about to usher in eternal peace, when a deed, the horror of which is only increased by its mystery, came to quench for ever the last hope of the world. The blow which cut short the days of this good king also plunged Europe back into ceaseless wars, of which she can now never hope to see the end." [12] Edward Everett Hale also lamented that the plan of Henry IV was never tested. Writing in 1871, in the shadow of the Franco-Prussian War, he says: "It was to have made real, perhaps for centuries, the dying prayer of the Saviour of the World, that 'they all may be one'; and, at the blow of a crazed fanatic this hope vanished for well-nigh three centuries." [13]

Henry IV was an able and inspiring leader, with a well-trained army and a strong war-chest. One may, nevertheless, be permitted to doubt

[11] *The Works of Jeremy Bentham*, edited by John Bowring, Part VIII, pp. 546–560; cf. also Darby's *International Tribunals*, pp. 146–148.

[12] Rousseau, *op. cit.*, pp. 110–111.

[13] *The Great Design of Henry IV*, edited by E. D. Mead, p. 87.

whether his design could ever have been carried out, or whether, if it had succeeded, it would not have meant the retarding of the world. It would be hard to-day to justify the division of Europe along the lines then contemplated, especially as the people of the world were to be placed in a religious strait-jacket upon the expressed principle that "there is nothing in all respects so pernicious as a liberty of belief." [14] Moreover, if Austria and Spain had accepted the offered bribe of American territory, Virginia and Massachusetts, which were then awaiting the Cavalier and the Puritan, would have been dedicated to seventeenth-century Spain. It would have been a high price to pay even for peace.

It is idle to speculate now as to whether or no Henry IV could have made a permanent peace by his plan. We do have, however, the record of another powerful prince who believed in the Great Design, and who tried to put it into effect. And this brings us to a consideration of the attempted Confederation of Europe after 1815.[15]

---

[14] *The Great Design of Henry IV*, p. 22.

[15] The contributions of Kant to the solution of the problems of war and peace are dealt with below in Chap. VIII.

## BIBLIOGRAPHY

W. E. Darby, *International Tribunals*. Fourth edition, 1904.

Immanuel Kant, *Perpetual Peace*, edited by M. Campbell Smith, Introduction.

William Ladd, *Essay on a Congress of Nations*, edited by James Brown Scott, Introduction.

Walter Alison Phillips, *The Confederation of Europe*, Chapter I, pp. 3–40.

John Bassett Moore, "The Peace Problem," *Columbia University Quarterly*, June, 1916; reprinted in the *North American Review*, July 1916

Sir William Collins, "A League of Nations," in *Publications of the American Association for International Conciliation*, January, 1919, pp. 36–54.

L. Oppenheim, *The League of Nations and Its Problems*, First Lecture.

J. H. Rose, *Nationality in Modern History*, Lecture X.

Ramsay Muir, *Nationalism and Internationalism*.

A. F. Pollard, *The League of Nations in History*.

Ogg and Beard, *National Governments and the World War*, Chapter XXVIII.

## III

### ALEXANDER'S CONFEDERATION OF EUROPE

ALEXANDER I of Russia was born in 1777, while the American Revolution was in progress. During his early manhood the French Revolution changed the whole world. Alexander, although a Russian prince, had ready access to the new French teachings. He was tutored by La Harpe, a Swiss, who introduced him to the writings of Rousseau. Rousseau had believed in the possibility of a perpetual peace. In 1756 he had written: "Beyond doubt, a lasting peace is, under present circumstances, a project ridiculous enough. But give us back Henry IV and Sully, and it will become once more a reasonable proposal." [1] Alexander grew to manhood during the period of Napoleon's domination, and was an opponent, an ally, and again an opponent of Napoleon. He was only thirty-seven years of age when Napoleon was finally defeated.

[1] J. J. Rousseau, *A Lasting Peace*, translated by C. E. Vaughan, p. 111.

There is ample evidence that Alexander knew of the Great Design of Henry IV and believed himself destined by Providence to carry it out. And in many respects the time and the circumstances were not unpropitious. When Napoleon fell, Europe had borne a generation of war. It was tired of fighting. Moreover, Alexander had an unspent army. As Moltke later said: "The drawback to Russia as an ally is that she arrives on the field very late and is then too strong." Circumstances seemed to have brought together the man, the power, and the time to make the vision of Henry a reality.

As early as 1804, when Alexander was but twenty-seven years of age, he sent his famous Czartoryski instructions to Pitt. At this time Napoleon was far from beaten, but the Czar outlined his plan for the reconstitution of Europe after Napoleon's defeat. It was to be made clear to France that the Allies' efforts "are directed not against her, but only against her Government, which is as tyrannical for France as for the rest of Europe; that our only object is to deliver from its yoke the countries which it oppresses, and that we now address ourselves to the French nation not to preach revolt and disobedience to law, but to urge all parties in France to trust the Allied Powers, whose only

desire is to emancipate France from the despotism under which she is suffering and to make her free to choose any government she may herself prefer." [2]

Ancient abuses were not to be re-established in the countries liberated from Napoleon's yoke, but liberty was to be insured, based upon sound foundations. As to the forms of government "everywhere public institutions should be founded on the sacred rights of humanity." The Czar recognized, as Crucé did, that stable world order and just internal government were interrelated. He thus expressed his views to Pitt:

> The object would be, first, to attach nations to their governments, by making it only possible for the latter to act for the benefit of their subjects; and, secondly, to fix the relations of the various states towards each other on more precise rules, which would be so drawn up as to make it the interest of each state to respect them. . . . When peace is made, a new treaty should be drawn up as a basis for the reciprocal relations of the European states. Such a treaty might secure the privileges of neutrality, bind the Powers who take part in it never to begin a war until after exhausting every means of mediation by a third Power, and lay down a sort of new code of international law which, being

[2] *The Memoirs of Prince Adam Czartoryski and His Correspondence with Alexander I*, edited by Adam Gielgud, Vol. II, pp. 45–46.

sanctioned by the greater part of the European States, would, if violated by any one of them, bind the others to turn against the offender and make good the evil he has committed.[3]

If Alexander had died after the submission of the remarkable Czartoryski memorandum, his untimely death might well have been pointed out as another perverse act of the blind fates that have held the world back from perpetual peace. But Alexander did not die until he had had an opportunity to attempt to carry out his plan. He lived long enough to encounter obstacles to the realization of his dream, some of which lay in his own vacillating character, some in the desires and characters of the men who were leading the contemporary European States, and some in fundamental difficulties over which neither he nor they had any real control. Alexander may have lacked the ability and the steadfastness of Henry IV; but it must be remembered that Henry IV's plan never got beyond the parchment stage. Alexander, however, was to realize the profound truth of the remark made by his grandmother, Catherine II, to the famous French philosopher:

"M. Diderot, you forget in all your plans of reform the difference in our positions; you

[3] *Ibid.*, pp. 47–48.

only work on paper, which endures all things; it opposes no obstacle either to your imagination or to your pen. But I, poor Empress that I am, work on a sensitive and irritable medium, the human skin."[4]

The story of the treaties and conferences that followed 1815 is very complex. Those interested in a study of the details may read the excellent book by Walter Alison Phillips, entitled *The Confederation of Europe.* In this place a brief review of some of the more important facts must suffice.

The Quadruple Alliance was formed at Chaumont in 1814, between Russia, Great Britain, Prussia, and Austria. The object of the alliance was not only to unite the governments "for the vigorous pursuit of a war undertaken with the salutary object of putting an end to the misfortunes of Europe," but also to assure "the repose of Europe by the re-establishment of a just equilibrium" and to maintain "against all attacks the order of things that shall be the happy outcome of their efforts." It was specifically provided that the Allies should, without delay, "concert as to measures for preserving the peace when established and for mutual protection against any attack by France." In the

[4] J. H. Rose, *William Pitt and National Revival,* p. 300.

event of a subsequent attack by France, amiable intervention was to be tried, and, failing that, each of the contracting Powers was to place an "auxiliary army" of sixty thousand men in the field. The pay of the men and their sustenance was to be defrayed by the "requiring Power"; the question of the supreme command was settled by providing that "the auxiliary army shall be under the orders of the Commander-in-Chief of the army of the requiring Power; it shall be commanded by its own general, and employed in all military operations according to the rules of war." The agreement was to last for twenty years, with a provision, if the parties so agreed, for its prolongation. While it contemplated an attack from France alone, its object was stated to be "the maintenance of a Balance of Europe to secure the repose and independence of the Powers, and to prevent the invasions which for so many years have devastated the world."[5]

After the Treaty of Chaumont, Napoleon abdicated and was sent to Elba. Then followed the first Treaty of Paris in 1814 and the Congress of Vienna in 1814–15. During this con-

[5] For the Treaty of Chaumont, 1814, see Lewis, Sir Edward and Edward Cecil Hertslet, *British and Foreign State Papers* (London, 1841), Vol. I, Part I, p. 121; W. A. Phillips, *The Confederation of Europe*, pp. 77–81.

gress Napoleon returned, was finally beaten at Waterloo, and the second Treaty of Paris was signed on November 20, 1815. Simultaneously with the signing of the second Treaty of Paris, the treaty made between the four Powers at Chaumont was renewed. Alexander had proposed meetings of the sovereigns, or their representatives, at fixed intervals for the purpose of giving "the necessary effect to the system of reciprocal guarantees." Castlereagh, acting on behalf of England, objected to the idea of "reciprocal guarantees," although he was in accord with the principle of meetings of the great Powers for the examination of such measures as "should be judged most salutary for the peace and prosperity of the nations and for the maintenance of the peace of Europe." In the treaty actually made the contracting Powers reciprocally promised to maintain the treaty, and dealt with the general peace of Europe as follows:

To facilitate and to secure the execution of the present Treaty, and to consolidate the connections which at the present moment so closely unite the Four Sovereigns for the happiness of the world, the High Contracting Parties have agreed to renew their meetings at fixed periods, either under the immediate auspices of the Sovereigns themselves, or by their respective Ministers, for the purpose

of consulting upon their common interests, and for the consideration of the measures which at each of those periods shall be considered the most salutary for the repose and prosperity of Nations, and for the maintenance of the Peace of Europe.[6]

On September 26, 1815, which was before the renewal of the Chaumont agreement, Alexander had proclaimed the Holy Alliance in his own name and in the names of the King of Prussia and of the Emperor of Austria. The three monarchs, "conformably to Holy Scriptures," which commands men "to consider each other as brethren," agreed that they will "on all occasions and in all places lend each other aid and assistance," and that regarding themselves as fathers of their subjects they will "lead them, in the same spirit of fraternity with which they are animated, to protect Religion, Peace, and Justice."[7] Castlereagh declined to have anything to do with the Holy Alliance.

We have seen that the Quadruple Alliance, to which Great Britain was a party, provided for meetings of the European Powers at fixed intervals. Such a meeting, or conference, was

---

[6] Edward Hertslet, *The Map of Europe by Treaty*, Vol. I, p. 375; cf. Phillips, *op. cit.*, pp. 154–155; C. D Hazen, *Europe Since 1815*, pp. 17–18.

[7] The text of the Holy Alliance is given in Phillips, *The Confederation of Europe*, pp. 301–302.

held at Aix-la-Chapelle in the autumn of 1818. In addition to the four parties to the treaty, a representative of France was present. An arrangement was quickly made by which the troops which had been occupying France under the second Treaty of Paris were to be withdrawn. The question then arose of the admission of France to the Quadruple Alliance. Alexander desired (1) the continuance of the Quadruple Alliance as a protection against France, (2) a general alliance consisting of all the signers of the Treaty of Vienna. The object of the general alliance would be the guarantee of territorial possession and sovereignty. His memorandum explains that "Such a system would guarantee the security of governments by putting the rights of nations under a guarantee analogous to that which protects individuals. The governments, for their parts, being relieved from fear of revolutions, could offer to their peoples constitutions of a similar type; so that the liberties of peoples, wisely regulated, would arise without effort from this state of affairs once recognized and publicly avowed." [8] Castlereagh had opposed any suggestion of reciprocal guarantees of a general peace in the second Treaty of Paris; he had declined to have any part in the Holy Alliance;

[8] Phillips, *op. cit.*, pp. 172–173.

and at Aix-la-Chapelle he steadfastly declined to assent to the principle of universal guarantees. In his memorandum submitted to the Czar he bases his objection upon the same ground that Leibnitz and Rousseau had objected to the project of the Abbé St. Pierre:

> The idea of an Alliance Solidaire by which each State shall be bound to support the state of succession, government and possession within all other States from violence and attack, upon condition of receiving for itself a similar guarantee, must be understood as morally implying the previous establishment of such a system of general government as may secure and enforce upon all kings and nations an internal system of peace and justice. Till the mode of constructing such a system shall be devised, the consequence is inadmissible, as nothing could be more immoral, or more prejudicial to the character of government generally, than the idea that their force was collectively to be prostituted to the support of established power, without any consideration of the extent to which it was abused. Till a system of administering Europe by a general alliance of all its States can be reduced to some practical form, all notions of a general and unqualified guarantee must be abandoned, and the States must be left to rely for their security upon the justice and wisdom of their respective systems and the aid of other States according to the law of nations.[9]

[9] *Ibid.*, pp. 182–183.

As Castlereagh viewed the idea of guarantees, "it was opening up to such a power as Russia, . . . an almost irresistible claim to march through the territories of all the Confederate States to the most distant points of Europe to fulfil her guarantee." [10]

The result of Aix-la-Chapelle was a compromise. The Paris agreement of 1815 between the four great Powers was extended to include France, the Quintuple Alliance thus formed having for its ostensible object the maintenance of the treaties of Paris and Vienna. Later meetings of the five Powers were to be held, but only as occasion might arise. A public declaration of the results of the congress was made by the five governments. From this declaration the following is quoted:

The intimate union established among the monarchs, who are joint-parties to the system, by their own principles, no less than by the interests of their people, offers to Europe the most sacred pledge of its future tranquillity.

The object of the union is as simple as it is great and salutary. It does not tend to any new political combination—to any change in the relations sanctioned by existing treaties; calm and consistent in its proceedings, it has no other object than the

[10] *Ibid.*, p. 177.

maintenance of peace, and the guarantee of those transactions on which the peace was founded and consolidated.

The sovereigns, in forming this august union, have regarded as its fundamental basis their invariable resolution never to depart, either among themselves or in their relations with other states, from the strictest observation of the principles of the right of nations: principles which, in their application to a state of permanent peace, can alone effectually guarantee the independence of each government and the stability of the general association.

Faithful to these principles, the sovereigns will maintain them equally in those meetings at which they may be personally present, or in those which shall take place among their ministers; whether they be for the purpose of discussing in common their own interests, or whether they shall relate to questions in which other Governments shall formally claim their interference. The same spirit which will direct their councils, and reign in their diplomatic communications, will preside also at these meetings; and the repose of the world will be constantly their motive and their end.[11]

While Castlereagh was strongly opposed to requiring the several governments to interfere in each other's internal affairs, he saw an advantage in periodic congresses.

[11] Quoted in Phillips, *op. cit.*, p. 187.

Writing to George Rose a few months after the Congress of Vienna in 1815, he expressed the value and purpose of such congresses thus:

> The necessity for such a system of connexion may recur, but this necessity should no longer be problematical when it is acted upon. The immediate object to be kept in view is to inspire the States of Europe, as long as we can, with a sense of the dangers which they have surmounted by their union, of the hazards they will incur by a relaxation of vigilance, to make them feel that the existing concert is their only perfect security against the revolutionary embers more or less existing in every State of Europe; and that their true wisdom is to keep down the petty contentions of ordinary times, and to stand together in support of the established principles of social order.[12]

And in writing of these periodic congresses to Lord Liverpool (then Prime Minister) from Aix-la-Chapelle in October, 1818, Castlereagh said:

> It is satisfactory to observe how little embarrassment and how much solid good grow out of these reunions, which sound so terrible at a distance. It really appears to me to be a new discovery in the European government, at once extinguishing the cobwebs with which diplomacy obscures the horizon,

[12] *The Correspondence, Despatches, and Other Papers of Viscount Castlereagh*, edited by C. W. Vane, 3d Series, Vol. XI, p. 105.

bringing the whole bearing of the system into its true light, and giving to the counsels of the great Powers the efficiency and almost the simplicity of a single State.[13]

The period from 1818 on is marked by a growing divergence in the aims of Austria and Prussia, on the one hand, and England and France, on the other. The difference was a fundamental one between reaction and liberalism. A series of revolutionary outbreaks in 1819 and 1820 culminating in the murder of the heir presumptive to the French Crown on February 13, 1820, and the mutiny of the Russian Guards in the autumn of the same year, drove Alexander definitely to the reactionary side. He still wanted a union of all Europe, but thereafter it was to be a union under the guidance of Metternich. A conference was held at Troppau in October, 1820, which adjourned to Laibach in January of 1821. At these two conferences representatives of England and France were present only as observers. Russia, Prussia, and Austria, the three reactionary Powers, signed the Preliminary Protocol of Troppau aimed at the revolting Italian States, which embodied the following policy:

---

[13] *Ibid.*, Vol. XII, pp. 54–55; cf. also A. F. Pollard, *The League of Nations in History*, p. 9.

States which have undergone a change of Government due to revolution, the results of which threaten other States, *ipso facto* cease to be members of the European Alliance, and remain excluded from it until their situation gives guarantees for legal order and stability. If, owing to such alterations, immediate danger threatens other States, the Powers bind themselves, by peaceful means, or if need be by arms, to bring back the guilty State into the bosom of the Great Alliance.[14]

Castlereagh was not present at the conference, but following consistently the course that he had held since 1815, he filed a memorandum objecting to reciprocal guarantees:

The British Government objected to the fundamental principle on which the protocol rested, namely, that of rendering the powers, either of the existing or of any other alliance, applicable, under any circumstances, to the internal transactions of independent States. For this appeared to lead immediately to the creation of a species of general government in Europe, with a superintending Directory, destructive of all correct notions of internal sovereign authority; and Great Britain could not consent to charge herself, as a member of the Alliance, with the moral responsibility of administering a general European police of this description.[15]

---

[14] Phillips, *op. cit.*, p. 222.

[15] *Ibid.*, p. 227.

The revolts in Italy, in Spain, and in the Spanish-American colonies continued, and the breach between Great Britain and the reactionary Powers became wider and wider. In 1822 the Congress of Verona was held, and Great Britain finally broke away from the Quintuple Alliance and sought the support of America, one result of which was the Monroe Doctrine. The Revolution of 1830 separated France from the three reactionary Powers, and the Quintuple Alliance was thus reduced to a Triple Alliance of Russia, Prussia, and Austria, practically identical with the Holy Alliance, in which form it continued until the revolutions of 1848.[16]

The Quadruple Alliance, aided perhaps by the vivid memory of the Napoleonic Wars, kept the peace for a generation. It failed to accomplish its purposes for several reasons, among which may be noted the following:

(1) Russia, Austria, and Prussia wanted to use their combined power to repress liberalism wherever it appeared.

(2) Although in the Treaty of Vienna an attempt was made to recognize national aspirations (with very limited success), there was

[16] Cf. C. D. Hazen, *Europe Since 1815*, Chaps. IV, V, VIII; W. A. Phillips, *Modern Europe*, 1815–99; A. F. Pollard, *The League of Nations in History*, pp. 10–11.

not as yet on the part of Russia, Austria, and Prussia any real participation of the people in the governments.

(3) Great Britain, with her liberal tendencies, did not want a complete federation with the three great autocratic Powers.

(4) Although there was a desire to avoid future war on the part of the generation that had seen twenty years of Napoleonic Wars, there is no real evidence that either the sovereigns or the people of the various States wanted to surrender any essential portion of their independence in order to form a federative system. They were willing to make agreements as to what they should do if war should come, but they were not willing or ready to change substantially their daily life to prevent the coming of war.

A striking exception to this last statement, however, must be noted. Article V of the first Treaty of Paris made provision for the navigation of the Rhine and looked forward to a continuance of international management of the Rhine and other rivers in the following expression:

> The future Congress, with a view to facilitate the communications between nations, and continually to render them less strangers to one another, shall likewise examine and determine in what manner the above provisions can be extended to other rivers

which, in their navigable course, separate or traverse different States.[17]

Most of the high-sounding expressions of the vacillating Alexander are now as words written upon the sand. Most of the resolutions of the various congresses have come to nothing. Article V of the Treaty of Paris, however, which dealt with a definite, concrete thing, touching the daily lives of people living and trading upon an international river, gave form to a new principle of international cooperation by which men thereafter were able to live together more harmoniously.

## BIBLIOGRAPHY

W. A. Phillips, *The Confederation of Europe.*

*The Memoirs of Prince Adam Czartoryski and His Correspondence with Alexander I,* edited by Adam Gielgud, 2 vols.

*The Correspondence, Despatches, and Other Papers of Viscount Castlereagh,* edited by C. W. Vane.

A. F. Pollard, *The League of Nations in History.*

J. H. Rose, *William Pitt and National Revival; William Pitt and the Great War.*

C. D. Hazen, *Europe Since 1815,* Chap. I.

*The Cambridge Modern History,* Vol. IX, Chaps. XIX, XXI; Vol. X, Chap. I.

J. S. Bassett, *The Lost Fruits of Waterloo.*

[17] W. A. Phillips, *The Confederation of Europe,* p. 91.

# IV

## THE JURISTS, THE STATESMEN, AND THE DIPLOMATISTS

FREDERICK W. HOLLS, a representative of the United States at the first Hague Conference, makes the following comment upon the relation of the Hague Conference to what had gone before:

When the conference was first called its connection with the intellectual, scientific, and philosophic aspirations for universal and eternal peace was emphasized by innumerable articles and dissertations containing a great display of erudition and research. It seemed difficult even for the daily papers to discuss the rescript of the Emperor of Russia without allusions to the "Great Plan" of Henry IV and Sully, the Essay of William Penn, the great work of the Abbé St. Pierre, and the famous pamphlet of Kant on "Eternal Peace." It cannot be denied that this view had a certain justification, but it wholly failed to grasp an essential characteristic of the Peace Conference, to wit: its diplomatic nature. The gathering at The Hague was the

lineal descendant, so to speak, not of the innumerable Peace Congresses held in various quarters of the globe, but of the diplomatic assemblies called for the purpose of solving a present problem, and of furnishing guarantees, more or less permanent, for peace between the Powers represented—beginning with the Conferences of Münster and Osnabrück in 1648, including those of Utrecht in 1713, of Paris in 1763, and, above all, the Congress of Vienna in 1815, and that of Berlin in 1878.[1]

The diplomatists, during the war, have been somewhat discredited. When a great catastrophe occurs and the handling of affairs which led up to the catastrophe has been under the direction of particular persons, it is in human nature to blame the catastrophe upon them. The critics can easily see the failures; they cannot readily perceive the difficulties which men were unable to overcome. The war that the diplomatists were unable to avert has been upon us for more than four years; the wars that they have succeeded in averting we know very little about. But whether we praise them or blame them, we must have some knowledge of the important part they have taken in the development of what we know as international law.

What do we mean when we speak of "international law"? It has been denied that there

[1] Frederick W. Holls, *The Peace Conference at The Hague*, p. 351.

is such a thing, the argument being that there can be no *law* unless there be somewhere a *sovereign power* to enforce it. This is obviously a question of definition. In a very able speech delivered in the British House of Lords on March 19, 1918, Lord Parker points out that the first step in the development of municipal law has been the establishment of "customary rules of conduct, a breach of which will disappoint and give rise to a grievance on the part of the person who is injured by the breach." [2] The English-speaking countries, with their strong insistence upon the common law, furnish an excellent illustration of the historical growth of rules of conduct. Such rules do not follow, but precede, the formation of the tribunals which deal with deviations from the rule. If the deviations from the rule are so numerous that the rule cannot be said to be generally observed, no force would be of avail in dealing with it. Lord Parker finds the same tendencies at work in the international field. The customary rule of conduct comes first; the remedy for its breach will be later developed. And these customary rules of conduct may be called "in-

[2] *Parliamentary Debates, House of Lords*, Vol. XXIX, No. 13, pp. 500 to 509. See also on this point Munroe Smith, "The Nature and Future of International Law," in the *American Political Science Review*, February, 1918.

ternational law," though no remedy for their breach other than war has as yet developed. Sir Henry Sumner Maine takes substantially the same view: "What we have to notice is that the founders of international law, though they did not create a sanction, created a law-abiding sentiment. They diffused among sovereigns, and the literate classes in communities, a strong repugnance to the neglect or breach of certain rules regulating the relations and actions of States. They did this not by threatening punishments, but by the alternative and older method, long known in Europe and Asia, of creating a strong approval of a certain body of rules." [3]

We may, then, define international law as those rules of conduct which regulate the dealings of civilized States and which depend for their sanction upon the general approval of mankind. These rules are found in the solemn conventions and declarations made by civilized States in their separate treaties and at international conferences, in the works of great text-writers, and, what is most important of all, in that actual usage which furnishes the confirmation of written rules and agreements.

Grotius, the Dutch jurist, published in 1625

[3] "The Whewell Lectures" (1887), *International Law*, Lecture II.

his *De Jure Belli ac Pacis*. At the first Hague Conference the American Commission, on behalf of their government, placed a silver wreath upon the tomb of Grotius at Delft. Ambassador Andrew D. White, the president of the American Commission, in the address presenting the wreath, said of the *De Jure Belli ac Pacis:*

> Of all the works not claiming divine inspiration, that book, written by a man proscribed and hated both for his politics and his religion, has proved the greatest blessing to humanity.[4]

Grotius did not, like Emeric Crucé, plan for a perpetual peace. Writing in the midst of the Thirty Years' War, he tried to find the customary rules of conduct which should determine the relationships of civilized nations, whether those nations were at peace or at war. As Sir Frederick Pollock puts it:

> He had to demonstrate that a common rule of right among States was possible; that it was capable of discovery and exposition; and that it was not confined to peaceful relations, but continued to be binding in time of war. With such help as could be derived from earlier very incomplete achievements, he had to establish this rule on foundations

[4] F. W. Holls, *The Peace Conference at The Hague*, pp. 535–562.

of moral and legal justice which learned men would deem sound and men of the world would not think fantastic. Moreover, where existing custom fell short of being tolerably just, he had to propose amendment without assuming to dictate to sovereign princes. This would have been much for a generation of workers to accomplish. Grotius achieved it all himself, and so thoroughly that within half a century his treatise was received as authoritative by the civilized world.[5]

Other distinguished writers on international law, of whom Pufendorf and Vattel were the most conspicuous, followed Grotius. Rulers and people sometimes followed their teachings, but more often disregarded them. But international law gradually came to be recognized. To be sure, there has been no international court able to render what might be called an impartial decision, but national courts in both England and America expounded international law and actually determined rights in accordance with the customary rules of conduct of civilized States.[6]

Another great force led to the development of these customary rules of conduct. The very clash of arms made it necessary for the separate

[5] Sir Frederick Pollock, "The Modern Law of Nations and the Prevention of War," *Cambridge Modern History*, Vol. XII, pp. 710 ff.

[6] *Cambridge Modern History*, Vol. XII, p. 713.

States to come together if only for the purpose of ending the particular war; and these meetings or conferences involved a recognition of some rights in the adversary State which a State owed a duty to respect.

The treaties of Münster and Osnabrück (constituting the Peace of Westphalia) in 1648 closed the bloody Thirty Years' War. This peace marks the beginning of a new era—an era that was to be profoundly swayed by the teachings of Grotius. As David Jayne Hill says of the Peace of Westphalia:

> First of all, it ended forever both the political and spiritual aspirations after universal empire. It distinctly recognized a society of States based upon the principle of territorial sovereignty, and settled the doctrine, that law goes with the land, and that each territorial State is independent and possessed of jural rights which all others are bound to respect. It was thus a declaration, not only that a society of States exists, but that it is based on law, is governed by law, and that its members may make their appeal to law. What is most important of all perhaps is the equal recognition of all forms of government without distinction.[7]

The Treaty of Utrecht was concluded in 1713. It ended the Wars of the Spanish Succession.

[7] David Jayne Hill, *World Organization as Affected by the Nature of the Modern State*, Chap. IV, p. 93.

It was frankly framed to secure the "Balance of Power," a European precaution "that no single State ought to be suffered to become strong enough to overbear the aggregate strength of the rest, or some considerable but undefinable proportion of their aggregate strength."[8] The Treaty of Aix-la-Chapelle, in 1748, ended the great dynastic war which grew out of the Austrian Succession. This peace satisfied nobody and a short time later the Seven Years' War broke out, which was closed by the Treaties of Hubertusburg and Paris, in 1763. The Treaties of Versailles and Paris, in 1783, established the independence of the United States.

Almost all the treaties referred to above made settlements of controversies in which the principal States of Europe were engaged. And from 1713 on, the territory of the New World became an important consideration in the Old World treaties. The principle of the "Balance of Power" naturally made a quarrel between any two great Powers a matter of vital interest to all the other Powers. Since the Napoleonic Wars it has been even more true that the conclusion of a war is made the occasion of an international meeting. We have seen that the Congress of Vienna, in 1815, dealt with

---

[8] Mountague Bernard, *Lectures on Diplomacy*, p. 97.

practically all of Europe. Similarly, the Congress of Paris, in 1856, which made the settlement following the Crimean War, was a general meeting. It will be recalled that Cavour sought and secured a place at this peace-table in order to make a presentation of the wrongs and the aspirations of Piedmont and all Italy to a European group. The Congress of Berlin, in 1878, again brought together the principal Powers of Europe, this time to make new boundaries in the Balkans resulting from the Russo-Turkish War.

It is very easy to prove that the European Powers made very grave mistakes at these numerous conferences from 1648 to 1878, that at times they disregarded geographical barriers and at times they outraged the spirit of nationality. It is probably true, however, that the men participating in the conferences sincerely sought a peace that could be maintained. However this may be, the important thing in the development of international law is that the States of Europe have more and more been forced to consider themselves a family or society. Their peaces have not lasted, but they have recognized the necessity of coming together and, if possible, agreeing upon a *whole* program rather than each one treating his problems as matters which concerned only himself.

Moreover, the conferences have very often resulted in substantial additions to the rules of conduct which govern civilized States. A striking illustration of this was the introduction in the early part of the last century of the new international agreements with reference to navigable rivers. Perhaps a better illustration was the decision to abolish the slave trade at the Congress of Vienna. It is to be remembered, also, that the Congress of Paris, in 1856, laid down some uniform maritime rules for application in time of war, and that the Congress of Berlin, in 1878, confirmed the principle of religious freedom and equality in the Balkan States. While rules of conduct adopted by treaty are obviously binding only on the States which are parties to the treaty, nevertheless they serve also as an example to other States, and have an effect on the development of international custom and opinion.

There has been still another strong force in the building up of international law. Arbitration as a method of settling disputes was used during the Middle Ages, and never entirely abandoned,[9] but its great development has come in the last one hundred and twenty-five

[9] For arbitration prior to the nineteenth century see the valuable historical note by John Bassett Moore in his *History and Digest of International Arbitrations*, Vol. V, p. 4821.

years. It is important to note the distinction between arbitration and mediation, which is thus stated by John Bassett Moore:

> By arbitration we mean the determination of controversies by international tribunals judicial in their constitution and powers. Arbitration is not to be confounded with mediation. Mediation is an advisory, arbitration a judicial, process. Mediation recommends, arbitration decides.[10]

In the treaty between England and the United States concluded on November 19, 1794, commonly known as the Jay treaty, three subjects were submitted to arbitration, the first a boundary question, the second the claims on account of confiscated debts, and the third the claims arising from neutral rights and duties. Since that time there have been numerous arbitrations in which the United States has been a party, most of which have been with Great Britain. But disputes have also been settled by arbitration with Spain, France, Mexico, Denmark, Portugal, and several of the South American and Central American countries. Professor Moore states that the total number of arbitrations of the United States down to 1914 was sixty-eight, and that this total was

[10] John Bassett Moore, *Principles of American Diplomacy*, pp. 306–307.

equaled during the same period only by those of Great Britain, the total of which appears to have been about the same.[11]

The first Hague Conference was held in 1899. Twenty-six sovereign and independent States were represented. While the conference had been called by Russia to deal with the question of armament, it paid very little attention to that subject. An elaborate convention for the pacific settlement of international disputes was adopted. In this convention the signatory Powers agreed (1) to use their best efforts to insure the pacific settlement of international differences, (2) to have recourse, so far as circumstances allow, to the good offices or mediation of one or more friendly Powers, and that the tender of good offices and mediation should not be regarded by either of the parties in dispute as an unfriendly act, (3) to provide for the formation of International Commissions of Inquiry to facilitate the solution of those disputes where the facts are in doubt, and (4) to constitute a system by which international arbitration may be facilitated. It is the work done under this last heading that most interests us. The States formally agreed to create what

[11] For instances where the United States has declined to arbitrate see John Bassett Moore's *Four Phases of American Development*, pp. 198–200.

is called "a permanent court of arbitration," but what is in reality a panel of arbitrators. This so-called court is made up of four persons appointed by each signatory Power. From the list so constituted, arbitrators are to be drawn in a manner provided by the convention, but only if and when the States agree to submit the matter to the court. A strong effort was made on the part of the commission from the United States to have all of the signatory Powers bind themselves to refer differences to this court of arbitration, except where questions affecting independence, vital interests, or honor were at stake. These efforts, however, failed.

The results of this first conference may seem meager. With reference to arbitration, however, the conference made a distinct advance in international law. Ambassador Andrew D. White records in his autobiography that Mr. Piersoon, the Prime Minister of the Netherlands, made this comment: "That the arbitration plan, as it had come from the great committee, was like a baby—apparently helpless, and of very little value, unable to do much, and requiring careful nursing; but that it had one great merit—it would grow." The second conference proved that Mr. Piersoon was correct.

The second Hague Conference was held in

1907, again called by Russia, but this time at the instigation of President Roosevelt. Forty-four independent States were represented. The convention for the pacific settlement of international disputes adopted at the first conference was amplified. In addition, an important convention was adopted under which the governments agreed not to go to war for the collections of debts until after the question had been submitted to arbitration, or arbitration had been offered to the debtor State and refused. Moreover, a definite international prize court was agreed upon, this being a distinct advance over the first Hague Conference. This court was to be composed of fifteen judges, nine of whom should constitute a quorum. A judge absent, or prevented from sitting, was replaced by a deputy judge. Judges and deputy judges were to be appointed for six years. The eight so-called great Powers—that is, Germany, the United States of America, Austria-Hungary, France, Great Britain, Italy, Japan, and Russia, were at all times to have a member of the court. Judges and deputy judges to fill the other seven places were to be appointed in rotation by the lesser Powers in accordance with the schedule annexed to the Convention. By this schedule a State like Spain would have a judge four years out of six, and a deputy

judge three years out of six, while a State like Cuba would have a deputy judge one year out of six. If, however, one of the lesser Powers should be engaged in a war and have no judge sitting on the court, it might ask that the judge appointed by it should take part in the settlement of all cases arising from the war, in which case one of the judges entitled to sit in accordance with the "rota" should be withdrawn by lot, but such withdrawal of a judge by lot was not to displace a judge appointed by another belligerent. Finally, the plan for a real court of arbitral justice proposed by England and America, although it failed to become a convention, was embodied in the records of the Hague Conference as personally approved by the delegates and recommended to be put into operation by their several governments so soon as the method of selecting judges could be agreed upon.

The American Commission again made an effort to have the States represented at the conference bind themselves to submit differences to arbitration, with such exceptions as the several States might feel required to make on account of questions affecting their independence, or vital interests, or honor. This effort was again unsuccessful. While it was not possible to get, at either the First or the Second Hague Con-

ference, a treaty of general arbitration, one of the results of the Conferences was a great increase in the making of such treaties between individual States. Mr. Joseph H. Choate stated in 1912 that at that time more than one hundred and forty-four standing arbitration treaties had been concluded since the First Hague Conference.[12]

While the American Commission took a strong position at both the First and Second Hague Conferences with reference to arbitration, there developed at the First Hague Conference a question as to the effect upon the Monroe Doctrine of the Convention for the Pacific Settlement of International Disputes. Article 27 of the Convention provided that when a serious dispute threatened to break out between States it was the duty of the other Powers to remind the disputants that the permanent court was open to them, and such a reminder from a third party was to be regarded by the disputants only as a friendly act. Captain Mahan thought this was an infringement of the Monroe Doctrine. Mr. Andrew D. White indicates in his autobiography that he was

[12] Joseph H. Choate, *The Two Hague Conferences*, p. 40. For the attitude of the United States with respect to general arbitration treaties see John Bassett Moore's *Principles of American Diplomacy*, pp. 322–325; see also John Bassett Moore's *History and Digest of International Arbitrations*, Vol. I, pp. 962–989.

much disturbed by this suggestion. While he thought that the clause as drafted was simple and natural, he feared lest the United States Senate might oppose the ratification by insisting that the clause was a violation of time-honored American policy at home or abroad. As a result of Captain Mahan's suggestion, the American Commission signed the convention with the following reservation:

> Nothing contained in this convention shall be so construed as to require the United States of America to depart from its traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or internal administration of any foreign State; nor shall anything contained in the said convention be construed to imply a relinquishment by the United States of America of its traditional attitude toward purely American questions.

This reservation was carried over into the Second Hague Conference. America's consent to the conventions adopted at both conferences was, therefore, subject to this reservation.

One other important step was taken at the Second Hague Conference, chiefly as a result of the insistence of the American Commission. The First Hague Conference was called by the Czar of Russia; the second Hague Conference,

while formally called by the Czar, was really held at the request of President Roosevelt. It was considered by the American delegates that there should be future periodic conferences, and that neither the method of calling them nor the control of the procedure at the meetings should depend upon a single Power. The second conference, therefore, recommended the assembling of a third conference, to be held within a period corresponding to that which had elapsed since the preceding conference, and an arrangement was made by which the program for this third conference should be prepared in advance by a preparatory committee representing all the governments.

In addition to the two Hague Conferences the United States has played an important part in the development of International American Conferences, the first of which was held in Washington in 1889 and 1890, the second in the City of Mexico in 1901, the third in Rio de Janeiro in 1906, and the fourth in Buenos Aires in 1910. At the first of these conferences a plan of arbitration was adopted "as a principle of American international law." This plan made arbitration (1) obligatory in controversies concerning diplomatic and consular privileges, boundaries, territories, indemnities, the right of navigation, and the validity, con-

struction and enforcement of treaties, and (2) obligatory in all other cases with the exception of those which, in the judgment of a State involved, might imperil its "independence."[13] The plan failed to receive the approval of the governments whose representatives adopted it. At the second conference, held in the City of Mexico, the question of arbitration was again taken up and a treaty limited to five years, agreeing to arbitrate "claims for pecuniary loss or damage which may be presented by their respective citizens," was signed on January 19, 1902. The claims covered by the treaty were to be submitted to the permanent court at The Hague unless the parties created a special jurisdiction. At the third conference, held in Rio de Janeiro in 1906, the treaty concluded at the conference in the City of Mexico was renewed with certain amendments, and at the fourth conference, held in Buenos Aires, in 1910, there was another renewal with a provision that the treaty should continue indefinitely, subject to the right of any ratifying Power to withdraw upon two years' notice. By July, 1910, twelve governments had ratified the treaty of 1906.[14]

[13] John Bassett Moore, *History and Digest of International Arbitrations*, Vol. II, p. 2113.

[14] See John Bassett Moore's *Principles of American Diplomacy*, pp. 323, 327-329.

We have heretofore noted the difference between arbitration and mediation. We have also seen that at the First Hague Conference a distinction was made between Commissions of Inquiry and the Court of Arbitration, and that this distinction was maintained at the Second Hague Conference. Generally speaking, disputes which arise out of interpretations of treaties or recognized rules of international law, and which are susceptible of decision by the applications of the principles of law, are deemed judicial or justiciable questions, properly referable to a court. On the other hand, disputes which do not fall within the scope of accepted rules of law but are political in their nature are deemed non-justiciable questions, properly referable to a Commission of Inquiry or a mediating body whose function shall be, not to decide, but to find facts or to conciliate. There has been a strong tendency in recent years to use this distinction between justiciable and non-justiciable questions and to abandon the fatal exception which excludes from either arbitration or mediation questions of "independence," of "vital interest," or of "national honor." As David Jayne Hill well says:

The fundamental question is, what is the duty of a State as a juristic person? Unless we are to re-

turn to barbarism, we must always come back to that. And what is the "honor" of a juristic person? Is it not to maintain its juristic character? How can "honor" be better demonstrated than by strictly honorable conduct? And what again is "honor," viewed from the side of its strength, if it is not sufficiently sure of itself to meet its opponents at the testing-place of justice? Why then should a State shrink, in the name of "honor," from giving guarantees for its rectitude of conduct? Why should it not be willing to submit the question of what is honorable, in given circumstances, to those who can fairly measure its aims and motives, and await a verdict? [15]

Mr. Taft, when President of the United States, earnestly desired to make a treaty with some great nation by which the United States should agree to abide by the adjudication of a court in every issue which could not be settled by negotiation, no matter what it involved, "whether honor, territory, or money." Secretary Knox supervised the drafting of treaties with both France and England, which were signed on August 3, 1911. Under these treaties all differences involving a "claim of right" and "justiciable in their nature by reason of being susceptible of decision by the application of

[15] David Jayne Hill, *World Organization as Affected by the Nature of the Modern State*, p. 66.

the principles of law or equity" were to be submitted to the Permanent Court of Arbitration established at the Hague Conference of 1907, or to some other arbitral tribunal, as should be decided in each case by special agreement. All matters in dispute which did not fall within the class of justiciable questions were to be referred to a Joint High Commission of Inquiry. If all, or all but one, of the members of the Joint High Commission should determine that the difference was "justiciable," then it should be referred to arbitration. The United States Senate failed to ratify the treaties as negotiated, but made certain amendments thereto which were not acceptable to President Taft. Accordingly, ratifications were never exchanged. In 1913 and 1914 the Bryan peace treaties were concluded between the United States and a number of other States. These treaties left unimpaired the arbitration treaties already in existence with the several States, but supplemented them by establishing International Commissions to deal with all disputes "of every nature whatsoever" which diplomacy had failed to adjust. These treaties contemplate that after the report of the Commission the parties are left free to take such action as they choose. The obvious purpose is to retard resort to arms until the parties have

had an opportunity to discuss their differences.[16]

We hear to-day very much about "the collapse of international law." If Germany had been successful in this war such a pessimistic view might be justified. But Germany has been beaten, overwhelmingly beaten. She has violated treaties and this time it has availed her naught. Before we discard as futile the development of international law through the text-writers, the conferences, the treaties, and the arbitrations of the last three hundred years, it is well to remember that almost the entire civilized world has combined to resist with arms the treaty-breaker. Indeed, it would scarcely be too much to say that the world turned against Germany primarily because she broke treaties. At the time Germany was preparing to renew her great drive in France, Ludendorff was quoted as follows:

I must say that in diplomacy and politics the coalition has beaten us. They put the world in arms against us with a skill which we neither understand nor know how to imitate. It has been brilliant.

---

[16] See John Bassett Moore, *Principles of American Diplomacy*, pp. 329–337, for some account of these recent treaties and an analysis of the difficulties of securing international arbitration by the United States now as compared to the early days of our independence.

We must therefore speak in the only way they have left us—by object lessons; all that language can do they made it do. They have left but one language to us—realities, realities, realities.[17]

What Ludendorff had failed to understand or imitate was clearly understood by Bismarck! In a speech on February 6, 1888, the Iron Chancellor declared, "If we attack, the whole weight of the imponderables, which weighs much heavier than material weights, will be on the side of the adversaries, whom we have attacked."[18] Was this not a recognition by Bismarck of international law? Ludendorff may have understood what he was pleased to call the "realities" and what Bismarck called "material weights"; but the things that Ludendorff left out of consideration were Bismarck's "imponderables." Ludendorff forgot those customary rules of conduct which the civilized States of the world had been slowly building for three hundred years.

The result of the great war, then, instead of making us despair of international law, should give us added reason for believing in it. The cynic may state that England went to war for trade, and that America joined the war for profit. No rational person, however, can now

[17] See *New York Times* of July 4, 1918.

[18] See Munroe Smith, *Militarism and Statecraft*, pp. 12, 129, 199–200.

accept such an explanation. We must never forget that the great wave of sentiment that kept those nations wholeheartedly in the war was due to a profound belief that the violation of Belgium, the sinking of the *Lusitania*, the murder of Captain Fryatt, were not only wrongs to the persons and States directly involved, but were international outrages which profoundly disturbed the whole basis of the communal life of civilized States and threatened the safety of the world. President Wilson, in his fourteen-point speech, made the evacuation and restoration of Belgium of the first importance because of its bearing upon international law:

> No other single act will serve as this will serve to restore confidence among the nations in the laws which they have themselves set and determined for the government of their relations with one another. Without this healing act the whole structure and validity of international law is forever impaired.

## BIBLIOGRAPHY

DAVID JAYNE HILL, *A History of European Diplomacy.*

DAVID JAYNE HILL, *World Organization as Affected by the Nature of the Modern State.*

W. G. F. PHILLIMORE, *Three Centuries of Treaties of Peace.*

## JURISTS AND DIPLOMATISTS

JOHN BASSETT MOORE, *The Principles of American Diplomacy.*

JOHN BASSETT MOORE, *History and Digest of International Arbitrations.*

FREDERICK W. HOLLS, *The Peace Conference at The Hague.*

ANDREW D. WHITE, *The First Hague Conference,* reprinted by the World Peace Foundation.

JOSEPH H. CHOATE, *The Two Hague Conferences.*

A. PEARCE HIGGINS, *The Hague Peace Conference and other International Conferences.*

JAMES BROWN SCOTT, *Reports to The Hague Conferences of 1899 and 1907.*

JAMES BROWN SCOTT, *Hague Peace Conferences; American Instructions and Reports.*

JAMES BROWN SCOTT, *The Status of the International Court of Justice.*

JAMES BROWN SCOTT, *American Addresses at the Second Hague Conference.*

JAMES BROWN SCOTT, *The Hague Court Reports.*

WALTHER SCHÜCKING, *The International Union of the Hague Conferences.*

HANS WEHBERG, *The Problem of an International Court of Justice.*

THOMAS WILLING BALCH, *A World Court in the Light of the United States Supreme Court.*

WILLIAM I. HULL, *The Two Hague Conferences.*

# V

## THE INTERNATIONAL AGENCIES WHICH HAVE BEEN FORCED UPON THE WORLD BY THE DEMANDS OF COMMERCE

ROUSSEAU, in his essay entitled "A Lasting Peace Through the Federation of Europe," wrote as follows:

The nations of the other continents are too scattered for mutual intercourse; and they lack any other point of union such as Europe has enjoyed. There are other, and more special, causes for this difference. Europe is more evenly populated, more uniformly fertile; it is easier to pass from one part of her to another. The interests of her princes are united by ties of blood, by commerce, arts, and colonies. Communication is made easy by countless rivers winding from one country to another. An inbred love of change impels her inhabitants to constant travel, which frequently leads them to foreign lands. The invention of printing and the general love of letters have given them a basis of common knowledge and common intellectual pursuits. Finally, the number and smallness of her States, the cravings of luxury, and the large diversity of climates

which Europe offers for their satisfaction, make them all necessary to each other. All these causes combine to make of Europe not, like Asia and Africa, a purely imaginary assemblage of peoples with nothing in common save the name, but a real community with a religion and a moral code, with customs and even laws of its own, which none of the component nations can renounce without causing a shock to the whole frame.[1]

Rousseau thought he saw a close community of peoples in Europe in 1756. How widely separated those peoples were then as compared to August 1, 1914, when the great war broke out!

Watt invented the modern steam-engine in 1769. Fulton's steamboat made its first trip in 1807. Stephenson operated his first steam-locomotive in 1814. Telegraphy came into commercial use by 1850. Europe and America were connected by the first Atlantic cable in 1858. It was not until 1876 that Bell's invention of the telephone made it possible for men to talk together, although physically far apart. One has but to pause to consider how great a part the results of these inventions play in his own individual life to appreciate how the world's habits of living have been revolutionized

[1] J. J. Rousseau, *A Lasting Peace*, translated by C. E. Vaughan, pp. 44–45.

by science during the last one hundred and fifty years. And this progress of science has likewise revolutionized the interchange of products between the States of the world and, what is perhaps more important, has enabled the almost instantaneous interchange of thought between all parts of the earth connected by the telephone or telegraph wire or the submarine cable.

The fast steamship, the international cable, the international telephone and telegraph system, the international railway, have made the problem of interstate relations as they exist to-day vitally different from the problems which existed when Emeric Crucé gave the world his project for perpetual peace and Hugo Grotius wrote his epoch-making book on international law. New contacts have been established between widely separated States; differences in habits that could be ignored three hundred years ago can no longer be ignored. The volume and complexity of the commercial transactions which bind States together compel constant adjustments. Governments may try to erect barriers, cutting off one State from another, but no barrier is strong enough to prevent entirely the interchange of scientific or religious thought or the interchange of commercial products.

The result has been that in the last hundred years there has been a great development of international organization, due primarily to the relationships which men rather than governments have been making with each other. Some of these organizations are non-governmental, and some of them are bodies created actually to carry out agreements between States.

The non-governmental agencies cover a great variety of subjects; Mr. Paul S. Reinsch says there are no less than one hundred and fifty of them.[2] The international co-operation brought about by these organizations in the church, in labor, in commerce, in law, and in medicine has had, and will have in the future, a constantly growing influence (however frequently interrupted by war) in bringing distant parts of the world closer together. Our interest at this time lies, however, not in the non-governmental organizations, but in those organizations which are composed of sovereign and independent States. Reinsch tells us that there were in existence in 1911 more than forty-five of these so-called public international unions, thirty of which were provided with administrative bureaus or commissions. These unions cover a wide variety of universal subjects, such as the

---

2 Paul S. Reinsch, *Public International Unions* (1911), p. 4.

international telegraph, international posts, international railways, international rivers, international weights and measures and other scientific standards, international property in patents and copyrights, international sanitation, and the regulation of the international side of social questions, such as the slave trade, the liquor traffic, and the so-called white-slave trade.

The international bodies or unions that have been developed by States to deal in one way or another with all these international questions are of great importance at the present time as illustrating the necessity of co-operative action along certain lines. These international unions have not been created by theorists or even by the leading statesmen. They have been forced upon the world by the relationships that have arisen from time to time in the conduct of the world's affairs. They have not come in response to any propaganda. They are not even the product of a deliberate plan. They have come in a haphazard way. They have followed the contacts already created between States rather than being themselves created in order to make new contacts possible. This growing intimacy of the world due to science and commerce was well stated by Senator Cummins in a speech delivered in the Senate on February 26, 1919:

## AGENCIES FORCED BY COMMERCE

It must be clear to every thoughtful person that there must be in a world like ours, where an increasing intimacy among nations has been brought about by the genius of invention, the imperative demands of commerce, the drifting tides of population, and, with the constantly growing opportunities of conflict and controversy, a developing internationalism that will meet successfully conditions as they change from year to year.[3]

We have space here to consider briefly only a few types of these international organizations, under the headings of (a) international rivers, (b) international post, (c) international adjustment of customs and bounties, (d) international maritime regulations.

(a) *International Rivers.*—When Napoleon made his peace with the Germanic States in 1804, the treaty eliminated extortionate tolls and harassing regulations of the Rhine municipalities and provided uniform regulations and tolls. Moreover, an international commission composed of representatives of the French Government and of the German States was created, with allegiance to both governments, charged with carrying out the new arrangement. This commission has governed navigation on the Rhine for over one hundred years, during

---

[3] *Congressional Record*, Vol. 57, p. 4528.

which its chief functions have remained unaltered. The Treaty of Paris, of 1814, not only made provision for the navigation of the Rhine, but laid down a *general* rule that future international meetings should extend these provisions to other rivers which traversed two or more independent States. The Congress of Vienna provided for the creation of a central commission composed of representatives of States bordering on the Rhine, and, in addition, created "Rhine Courts" to settle disputes relating to river navigation. Another treaty was made in 1831 between France, the Netherlands, and the German States bordering on the Rhine which provided for administrative and judicial functions. After the Austro-Prussian War the Treaty of 1868 again set up certain international governmental powers over the Rhine. The general rule laid down by the Treaty of Paris and the Congress of Vienna and applied to the Rhine, has also been applied to the Neckar, the Maine, the Moselle, the Meuse, the Scheldt, the Danube, and other rivers in Europe.[4]

The most striking case of international government of a river is that of the Danube. Since 1856 the Danube has been subject to

[4] Francis Bowes Sayre, *Experiments in International Administration*, pp. 131–141.

international control. At the time of the Crimean War the Danube, from its source to its mouth, was subject to the administrations of six independent States. Where navigation was not dangerous and perilous from obstructions and pirates, it was harassed and made expensive by the regulations and tolls imposed by the different States. It was useless for a State at the headwaters of the river to dredge a channel for deep-draft vessels unless the other States dredged the lower parts of the river to provide a channel of equal depth. Navigation at the mouth of the river was particularly perilous. Under the Treaty of Paris of 1856 the European Commission of the Danube was created. Although the Commission was originally created only to deal with problems at the mouth of the river, its power and jurisdiction were enlarged from time to time, so that by 1883 the Commission's jurisdiction extended from the mouth of the river to the head of navigation for sea-going ships. The Commission was composed of one delegate from each of the Powers that signed the Treaty of 1856. Of the seven riparian States, only Austria and Turkey were signatories and represented on the European Commission. In 1914 the Commission was composed of one member from each of the following States—Austria-

Hungary, France, Germany, Great Britain, Italy, Rumania, Russia and Turkey.

When the war broke out in 1914 the Danube Commission had been functioning for nearly sixty years. It removed obstructions from the mouth of the river and reduced greatly the number of wrecks. It dredged and straightened a channel which greatly shortened the course of the river. It regulated navigation and tolls. It exercised control over the public health. It built and operated hospitals, piers, and other port facilities. It issued loans guaranteed by the signatory Powers to the treaty. The Danube Commission spent more than $8,000,000 in engineering works. Under its government commerce on the Danube reached a volume that makes it one of the most important international rivers in the world. The annual revenue of the Commission, from which it defrayed its expenses, amounted to more than $400,000, and was derived from taxes levied on vessels leaving the river.[5]

The United States has recognized the justice of the general principle announced at the Congress of Vienna, that navigable rivers which traverse two States shall be entirely

[5] Leonard S. Woolf, *The Future of Constantinople;* E. B. Krehbiel, "The European Commission of the Danube," in the *Political Science Quarterly,* March, 1918.

free along their whole course. The St. Lawrence River for a part of its course flows through the Dominion of Canada. Although both shores of this portion of the river are outside the jurisdiction of the United States, it very early claimed that this "natural right of communicating with the ocean, by the only outlet provided by nature," could not be abrogated. On June 23, 1823, John Quincy Adams, then Secretary of State, instructed the United States Minister to England to bring the subject to the attention of the British Government. In supporting the American view Mr. Adams invoked the principle declared by the Congress of Vienna. On June 19, 1826, Henry Clay, then Secretary of State, sent similar instructions to Mr. Gallatin, then Minister to England. Clay maintained that the inhabitants on the upper banks of a river had a natural right to navigate it on the way to the sea through the territories of another sovereign. Mr. Clay also invoked the regulations established at the Congress of Vienna, referring to them "as the spontaneous homage of man to the superior wisdom of the paramount Lawgiver of the Universe, by delivering His great works from the artificial shackles and selfish contrivances to which they have been arbitrarily and unjustly subjected." By Article VI of the

Treaty of June 5, 1854, and Article XXVI of the Treaty of May 8, 1871, the right of navigation was established, subject to laws and regulations of Great Britain or the Dominion of Canada, not inconsistent with such right.[6]

Through Secretary Root and Ambassador Bryce there was negotiated in 1909 a treaty between the United States and Great Britain, which was proclaimed on May 13, 1910. By this treaty the International Joint Commission of the United States and Canada was created. This Commission is composed of three commissioners from each country, and it is given control over the future uses, obstructions or diversions of boundary waters on either side of the boundary line. The Commission has power to render a decision by a majority vote, and in case of an even division the commissioners are under the duty to make separate reports to their governments.

The Commissioners from the United States were appointed on March 9, 1911, and from Canada on November 10, 1911. The Commission organized early in 1912 and adopted rules of procedure. Since that time the Commission has acted upon numerous applications for the approval of plans for the diversion of

[6] John Bassett Moore, *Digest of International Law*, Vol. I, pp. 631–635; *Principles of American Diplomacy*, pp. 130–131.

waters. In the application of the Michigan Northern Power Company and the Algoma Steel Corporation, Ltd., for the approval of certain works on St. Mary's River the following striking statement is made by Mr. James A. Tawney, the Chairman of the Commission:

This tribunal is also unique because composed of citizens of two independent sovereignties, a fact not generally known on this side of the boundary. Neither section of the Commission has any authority under the treaty to act in either country independent of the other. Each section acts in conjunction with the other as a joint international organization. In cases like the one now before us each member acts as the representative of both countries, or as Mr. Commissioner Gore, of Massachusetts, in deciding a case arising under the Jay treaty for the settlement of questions growing out of the War of the Revolution, well said: "Although I am a citizen of but one nation, I am constituted a judge for both. Each nation has the same right and no greater right to demand of me fidelity and diligence in the examination, exactness, and justice of the decision." [7]

[7] See the Reports of the International Joint Commission of the United States and Canada, especially the report on the application of the Michigan Northern Power Company and the Algoma Steel Corporation, Ltd. It is also interesting to note that on the Rio Grande an International Boundary Commission has been constituted, rendered necessary by the shifting of the bed of the river through the building of piers, jetties, and other artificial improvements. See John Bassett Moore, *History and Digest of International Arbitrations*, Vol. II, pp. 1358–1359.

(b) *International Post.*—The great development of commerce between nations and the increase in social relationships have made the problem of international posts a vital one which touches the lives of the people of every country. In 1875 the General Postal Union was formed by an international treaty to which twenty-two States were parties. This union became in 1878 the Universal Postal Union. All except a few small countries are now members of it. The constitution consists of a convention and a reglement, the former establishing the government of the union and its more important functions, the latter regulating the details of administration. The organs of the union are:

(1) A congress of plenipotentiaries which has power to alter or amend both the convention and the reglement by a majority vote of the delegates, the action of the delegates, however, being subject to ratification by their respective governments.

(2) A conference of delegates designed to deal with questions of minor importance. As a matter of fact, the conference has had no meeting since 1876, as it has been easier in practice to bring matters before the congress.

(3) An international bureau which is an administrative organization and is located at Berne.

The Universal Postal Union, operating

through the above organs, deals with all matters relating to international postal communication, including the fixing of postal rates and the regulation of weight and size of postal matter.

Before the Postal Union was formed the interchange of postal matter was regulated by treaties which one State made with another. France, for instance, handled a large mass of foreign postal matter in transit and derived a large revenue therefrom. Under this system the advantages of cheap and quick international communication received but little recognition. Postal rates between two distant parts of the world varied according to the route by which the matter was sent, and postal matter missing a mail by the route specified for it was held for the next mail by that route and was not forwarded by any other route that might give quicker delivery. Reinsch states that a letter from the United States to Australia would pay postage of 5 cents, 33 cents, 45 cents, 60 cents, or $1.02 per half-ounce, according to the route by which it was to be sent. By co-operation and agreement all but a few small countries have combined and formed a world-embracing union for the interchange of postal matter. Uniform postal rates for foreign matter are fixed and transit of postal matter throughout the States composing the Union is free. The permanent

bureau at Berne serves as a clearing-house for information concerning international postal matters and for the settlement of accounts. Upon request of the parties concerned, it also renders opinions upon questions in dispute. Between meetings of the congresses any member of the Union may make proposals through the bureau concerning the working of the Union or the amendment of the constitution and reglement. Such proposals are then submitted by the bureau to the other members of the Union, who vote upon them.

The ordinary expenses of the permanent Bureau at Berne must not exceed the sum of 125,000 francs annually. This bureau is under the supervision of the Swiss Postal Administration. The expenses, however, are apportioned among the members of the Union (Protectorates and Colonies in certain cases being treated as separate members), who are divided into seven classes, each contributing in the proportion of a certain number of units, to wit:

| | |
|---|---|
| 1st class | 25 units |
| 2d class | 20 units |
| 3d class | 15 units |
| 4th class | 10 units |
| 5th class | 5 units |
| 6th class | 3 units |
| 7th class | 1 unit |

Under this arrangement a member listed in the 1st class would pay twenty-five times as much as a member listed in the 7th class. Germany, Austria, the United States of America, France, Great Britain, Hungary, British India, the Commonwealth of Australia, Canada, the British Colonies and Protectorates of South Africa, the other British Colonies and Protectorates, Italy, Japan, Russia, and Turkey are in the 1st class. The insular possessions of the United States of America are treated as a whole and appear as a separate member in the 3d class.[8]

(c) *International Adjustment of Customs and Bounties.* — The problem of customs and bounties has long been a perplexing problem in interstate relations. As trade relationships have become more and more complex it has become necessary to consider some of these problems internationally.

The permanent sugar commission, formed in 1902, to which fourteen States finally became parties, is a striking illustration of international co-operation forced by the commercial disorder which resulted from lack of co-operation. Sev-

[8] R. L. Bridgman, *The First Book of World Law*, pp. 17–71; Paul S. Reinsch, *Public International Unions*, pp. 21–28; L. S. Woolf, *International Government*, pp. 118–129; Francis Bowes Sayre, *Experiments in International Administration*, pp. 21–25.

eral of the European States were giving large bounties on exports of home-grown sugar. The result was that the price of sugar to consumers in countries paying bounties was raised, while the price in the great non-producing markets was lowered to a point where producers of sugar under natural conditions in tropical and semi-tropical countries were injured. The European States in question therefore agreed to abolish their bounties, and to impose countervailing duties upon imports from those countries which still gave bounties. An international administrative bureau to carry out the convention was created.

Besides abolishing the direct bounties paid for the exportation or production of sugar, the contracting States agreed to abolish indirect bonuses and advantages as well. Each State also agreed to put all sugar-factories and sugar-refineries in bond under close and continuous supervision. The Permanent Commission determined whether the provisions of the treaty were being executed by the contracting States and rendered opinions on contested questions. It also acted as a clearing-house for information concerning statistics of and legislation on sugar in all sugar-producing countries as well as in the contracting States. It also determined the facts upon requests of other States for member-

ship in the International Sugar Convention. At the time the treaty was signed, in 1902, nine States were members of the Brussels Convention, which later numbered fourteen members, including Great Britain, Austria-Hungary, Germany, France, and Russia.[9]

(d) *Maritime Regulations.* — Marine regulations are necessarily matters with a strong international aspect. The International Marine Conference of 1899 set up an elaborate body of regulations for preventing collisions at sea. These regulations establish rules concerning lights, signals for fogs, the speed of ships during fogs, steering and sailing rules, distress signals, and the designating and markings of vessels, and provide for saving life and property from shipwreck, qualifications for officers and seamen, the reporting, marking, and removing of wrecks, and a uniform system of buoys and beacons. The establishment of a permanent international maritime commission was proposed, but was not "for the present" considered expedient.[10]

The foregoing international agencies are types of international co-operation created

[9] Francis Bowes Sayre, *op. cit.*, pp. 117–124; L. S. Woolf, *International Government*, p. 156; Paul S. Reinsch, *op. cit.*, pp. 49–51.

[10] R. L. Bridgman, *op. cit.*, pp. 147–164.

under the compulsion of necessity. Men, moved by curiosity, or by commerce, or by religion, keep spreading themselves over the world. New points of contact between the States are constantly being made. The accomplishments of modern science have multiplied these points of contact a thousandfold. Whether a single State wills it so or not, it belongs to a society of States. Its people are compelled to live upon a globe limited in area, which is also occupied by people of other States. The result is that accredited representatives of sovereign States are required to meet from time to time and reach an agreement in order to meet the daily needs of their people. These agreements, when ratified by the respective governments, become binding upon the governments. It is not because of the real or fancied interference with sovereignty or independence that these cases of international action interest us. It is rather because the action taken under the treaties becomes real international action, real drill in co-operative effort.

Some international unions have been marked successes, and some have been failures. One condition of success would seem to be that the international interest which caused the formation of the union must be so overwhelming that the States which join the union have a

strong interest in its success. Moreover, in these unions, as in everything else in life, the personal element plays a great part. If States feel a necessity for engaging in co-operative action, it is essential that the men they send to represent them in such action should be men possessed of co-operative spirit. It is as true now in international matters as when Grotius wrote, three hundred years ago, that "care must be had to avoid, not only perfidy, but anything which may exasperate the mind of the other party."[11]

International relationships of the kind described in this article are not decreasing, but, on the contrary, are constantly increasing. The growth of international commerce and the further development of science will bring the people of the world much closer together in the next fifty years than they have been in the last fifty. The most earnest believer in "no entangling alliances" would hardly urge that treaties of the type mentioned above be canceled and that no more be made. To adopt such a course would be to cut off living relationships with other States upon which the livelihood and comfort and happiness of millions of people depend. It is idle to think that any

[11] Hugo Grotius, *De Jure Belli ac Pacis*, Book III, Chap. XXV.

force in the world is strong enough to put the various peoples of the world permanently back into separate water-tight compartments. One might as well attempt to undo the scientific developments which have multiplied the relationships of mankind. The question is no longer open as to whether we shall have relationships with other States. Each State necessarily belongs to a society of States. The only question is, what kind of rules shall it make to determine its relationships to the other members of that Society?

## BIBLIOGRAPHY

PAUL S. REINSCH, *Public International Unions, Their Work and Organization.*

RAYMOND L. BRIDGMAN, *The First Book of World Law.*

LEONARD S. WOOLF, *International Government; The Future of Constantinople.*

FRANCIS BOWES SAYRE, *Experiments in International Administration.*

E. B. KREHBIEL, "The European Commission of the Danube; An Experiment in International Administration," in the *Political Science Quarterly*, March, 1918; *Nationalism, War and Society*, Part III.

THE EARL OF CROMER, *Modern Egypt*, Chapter XLI, on the "International Administrations."

...RARY,

## VI

### THE INTERNATIONAL ORGANIZATIONS WHICH WERE FORCED UPON THE ALLIED WORLD BY THE WAR WITH GERMANY.

IN the earlier years of the great war Great Britain, France and Russia were compelled to carry on what practically amounted to three separate wars against Germany. The three great States had different types of munitions, separate supply systems, separate military command. When Italy came into the war she added a new type of munitions, another independent supply system, and another independent command. It has always been difficult for an alliance properly to co-ordinate and exercise the joint strength of its members. When the inner history of this war has been written it will be disclosed that it has been no exception to wars carried on by alliances.[1]

In modern warfare a supply system stretches

[1] See the Paris speech of Mr. Lloyd George, November 12, 1917, reprinted in *A League of Nations, Bimonthly Pamphlets of the World Peace Foundation*, Vol. I, No. 7.

literally to the ends of the earth. The Allied Governments were necessarily in active competition for raw materials, without which they could not successfully wage the war. Cruel experience taught the Allies the lesson of co-operation; German strength compelled them to put the teaching into practice. At first, co-operation was necessary to reduce the great financial burden imposed upon the Allied Governments by the rapid advance in prices resulting from competitive buying. When the German submarine campaign reached its climax in the spring of 1917 the scarcity of shipping necessitated a much closer co-operation. It was no longer a question of what things cost, it had become a question of whether the necessary materials and food could be obtained at any price unless the several governments arranged to bring those commodities from the nearest source of supply.

Very early in the war the *Commission Internationale de Ravitaillement*, composed of representatives of Great Britain and several countries buying war supplies in England, was formed. This body rendered a useful service in bringing the purchases of the various Allied Governments in England under a centralized supervision. The body was not, however, an international body in the same sense as were the

Program Committees created later in the war, inasmuch as the position of Great Britain on this Commission was quite different from that of the other members. Great Britain was the party that furnished the supplies and the ships which enabled them to be transported. The Commission was, therefore, a body representing Great Britain and the several applicants for help from her. It permitted the apportioning by Great Britain of her surplus resources as equitably as possible among the various applicants. The increasing pressure of the war made it necessary to get supplies from all over the world, and a more comprehensive plan of co-operation was rendered necessary. Moreover, the principle on which the *Commission Internationale de Ravitaillement* operated was hardly satisfactory for an international war body. It did not call for submission of Great Britain's program to her Allies, but only of the programs of her Allies to Great Britain. However much economic aid Great Britain rendered her Allies, there was always the possibility that the lack of knowledge on the part of the various applicants of just what the other applicants were getting, as well as how much England was retaining for her own use, would cause suspicions and jealousies and impede the joint war effort. And, what was more important, the machinery

of the *Commission Internationale de Ravitaillement* was not adequate for testing the relative need of the various governments desiring materials and transport from all quarters of the globe.

In 1916 and 1917 a body known as the Wheat Executive, upon which England, France, and Italy were represented, was formed. This body met in London; it made programs of the cereal needs of the three countries involved, and the source of supply from which the needs of each country should be met. The principle of the Wheat Executive was that each of the partners was to submit to the others cereal programs for criticism, the belief being, and the result proving, that if each country knew the sacrifices that the other countries were making, friction in waging the common war could be avoided. The programs having been made, the Wheat Executive also undertook to carry them out. To this end it created a common buying organization. Great Britain from the beginning had made allocations of tonnage to France and Italy. After the Wheat Executive was formed she continued to furnish the tonnage necessary to transport the agreed cereal requirements.

America came into the war in the early part of 1917 and assumed the position, which Great Britain had theretofore held, of the principal

reservoir of Allied credit. America from the outset extended very liberal credits to all the nations allied against Germany, and this, of course, involved her at once in the same difficulties which had confronted Great Britain at the beginning of the war. The problem had to be met of reconciling the conflicting needs of the several governments in the American markets. When the American Mission went to the Inter-Allied Conference in Paris in the latter part of 1917, a general conference on the question of international co-operation was held. One result was that an Inter-Allied Council on War Purchases and Finance was established. This Council sat in London and Paris. It was made up of representatives from America, Great Britain, France, and Italy. The Council was created to deal with war purchases made in America, and especially with the credit to be extended by the American Government to cover payment therefor. It was, therefore, the same type of international council as the *Commission Internationale de Ravitaillement.* The position of the United States in this Council was analogous to the position of Great Britain on the *Commission Internationale de Ravitaillement.* With the increasing pressure of the war this Council on Finance and War Purchases became more and more an exclusively Finance Council, and

before the armistice was signed it was required to extend its scope to general questions of international exchange and the adjustment of international credits.

The Inter-Allied Conference of December, 1917, however, outlined a much more comprehensive plan for dealing with the whole problem of imports from one country to another. It must be remembered that at this time it had become apparent that the vital problem of the war was the marshaling of the resources of the States opposed to the Central Powers in such a way that they could be brought to the point of contact with the enemy before it was too late. There was known to be a limited supply of materials and of maritime transport. The aggressive submarine campaign of the Germans was making the shipping situation more critical each month. The Paris Conference of December, 1917, realizing that waste by one State of any of its merchant tonnage was a weakening of the united war effort, and therefore an injury to the whole Allied cause, struck out on a bold, new plan. The following is an extract from the official report of the conference:

The special Committee for Maritime Transport and General Imports of the Inter-Allied Conference of Paris has decided by unanimous resolution of the

delegates of the United States of America, Great Britain, Italy and France, that it is necessary to arrange a form of co-operation between the Allies which will secure the following objects:

(a) To make the most economical use of tonnage under the control of all the Allies;

(b) To allot that tonnage as between the different needs of the Allies in such a way as to add most to the general war effort; and

(c) To adjust the programs of requirements of the different Allies in such a way as to bring them within the scope of the possible carrying power of the tonnage available.

To secure these objects an International Board, with complete executive power over a common pool of tonnage, had been proposed, but has been rejected for the following reasons:

It would be difficult for any country, and particularly for America or Great Britain, to delegate absolute power to dispose of its tonnage (which is the basis of all its civilian and military requirements) to a representative on an International Board on which he might be outvoted. Such a Board, moreover, would not lead to administrative efficiency, partly because the complete control of all tonnage can scarcely be well concentrated in one place and partly because representatives upon it would tend to be at once out of touch with the actual administrative executive machinery and, at the same time, scarcely invested with sufficient authority to make reductions in the various supply programs, munitions, food, etc.

The problem of the allocation of tonnage is largely a problem of securing that the different requirements which make demands upon tonnage should be adjusted in the fairest and best way, and these requirements can only be so restricted by the experts in each class of commodities. It is, for instance, impossible for any except the munitions experts of the different Allied countries to deal with the restriction of the Allied munitions programs within specified limits.

The Allies are accordingly agreed:

(a) That America, France, Italy, and Great Britain will all tabulate and make available to each other a statement showing in detail and as nearly as possible in the same form, each class of requirements for which tonnage is needed, and, secondly, the tonnage now available and likely to be available in future through new building, etc. These requirements having been classified (showing the source of supply, etc.), and having been adjusted (1) to secure a reasonably uniform standard of adequacy both as between classes of commodities and as between countries, and (2) to bring the total within the carrying capacity of the Allies as a whole, will form the basis on which the general allocation of tonnage will be determined. The calculation will be revised at convenient intervals in the light of losses, new building, war requirements, and other factors in the problem; but it will be an essential feature of the scheme that, subject to such periodical reallocation, each Nation shall manage and supervise the tonnage under its control.

(b) That the neutral and interned tonnage, obtained through any channel and by whatever country, shall be used in such a way as to increase by an equal extent the tonnage in direct war services, the extra tonnage being allotted so far as practicable to the most urgent war need of any of the Allies. The method of allocation will be worked out later, but the principle is recognized that it is urgency of war needs, and not the method by which the tonnage has been obtained, that is to be the criterion.

(c) That steps shall be taken to bring into war services all possible further tonnage, such as that in South America, etc.

(d) That control over cargoes carried shall be such as to insure that they satisfy the most urgent war needs in respect of which the tonnage has been allotted.

To carry out (a) and (b) above, allied bodies for the different main requirements for food, for munitions, and for raw materials will be formed on the model of the Wheat Executive, America being associated with these bodies.

It being necessary in order to obtain decisions by the respective governments that each country shall designate one or two Ministers—the United States one or two special delegates—who will be responsible toward their respective governments for the execution of the agreements arrived at and who will meet in conference as Allied representatives as may be necessary from time to time, whether in Paris or in London, according to the circumstances of the case,

either on their own motion or at the request of the executive departments, it was resolved that, "for the purpose of carrying out the common policy above indicated, the appropriate Ministers in France, Italy, and Great Britain, together with representatives of America, shall take steps to secure the necessary exchange of information, and co-ordination of policy and effort, establishing a permanent office and staff for the purpose."

The agreement of the Allies quoted above did not contemplate a pooling of tonnage under a single direction. In fact, as the record shows, such a proposal was made and rejected, partly because the Allies with tonnage would not delegate the absolute power to dispose of it, and partly because it was believed that such a plan would not lead to administrative efficiency. The plan adopted contemplated a complete interchange of information upon which it was expected joint action could be taken. Tonnage was to be allocated upon the general principle that there should be a reasonably uniform standard of adequacy both as between commodities and countries. It was recognized that the main difficulty was to get the facts as to the imports necessary, and that these facts could be secured best by Inter-Allied bodies, the members of which would submit the import programs of their respective countries fully and frankly

and invite friendly criticism thereon. Because of the shortage of shipping, it was contemplated that the total programs of imports thus made would be balanced against the total available shipping and necessary adjustments made to bring the requirements, if possible, within the carrying power of the ships.

Pursuant to the action of the Paris Conference quoted above, the Allied Maritime Transport Council was formed in February, 1918. Its Chairman, while sitting in England, was Lord Robert Cecil, and while sitting in France, M. Etienne Clementel. As rapidly as possible thereafter, Program Committees, covering the whole range of imported commodities, were constituted, an existing committee being used if one had theretofore been organized. At the time the armistice was signed the following Program Committees were functioning:

1. Wool
2. Cotton
3. Hides and Leather
4. Tobacco
5. Paper
6. Timber
7. Petroleum
8. Flax, Hemp, and Jute
9. Coal and Coke

| | |
|---|---|
| 10. Cereals<br>11. Oil Seeds<br>12. Sugar<br>13. Meats and Fats | Co-ordinated by a Food Council |
| 14. Nitrates<br>15. Aircraft<br>16. Chemicals<br>17. Explosives<br>18. Non-ferrous Metals<br>19. Mechanical Transport<br>20. Steel | Co-ordinated by a Munitions Council |

The working of these various bodies in practice was most interesting. Representatives from the United States, Great Britain, France and Italy would meet and state to each other their respective requirements of a given commodity. Instead of dealing at arm's-length through the usual diplomatic channels, an expert from each government would be in a position to criticize the demands of the other governments, and, in turn, to receive their criticisms. Many of the misunderstandings which resulted from incomplete facts were avoided. When the detailed program was agreed upon a government was better able to curtail its requirements because of accurate knowledge of the sacrifices made by the other governments.

It was never contemplated that the Allied Maritime Transport Council should control the

various Program Committees. Inasmuch, however, as ships were the limiting factor, it was essential that, when the various committees had reduced their programs so far as in their judgment seemed possible, there must be further reduction if the total programs exceeded the amount of transport available. This resulted in the Allied Maritime Transport Council receiving the programs of all the committees and making adjustments to bring the supplies within the carrying capacity of the ships. Moreover, it was not only the programs of the Allied countries that were dealt with. By means of control of the sources of supply, a very real control was exercised over neutrals. An effort was made to ascertain their needs and to see that those needs were supplied as equitably as possible, having in view the world shortage and the conflicting needs of Allies and of other neutrals.

It must be borne in mind that the representatives of the various governments on the Program Committees or the Allied Maritime Transport Council did not have power finally to bind their respective governments. To have given them such a power would have enabled them to control absolutely the economic order of the world. Even under the pressure of war, the governments were not willing to confer such a

power upon a representative on an "international board, on which he might be outvoted." The decision as to what should be imported, where it should be imported from, and what ships should be used to carry the imports were all, however, decisions which depended largely upon the facts. The finding of the fact, therefore, if correctly presented, tended more and more to make the decision. Many newspaper references to the Allied Maritime Transport Council and the Program Committees, and some books and magazine articles, have given the impression that they were international bodies *controlling* the vital supplies of life. This is not accurate. The control was a *national* control, dependent upon control of sources of supply and of shipping, embargoes on imports, the control of bunkering privileges, and any other measure which any of the governments had put into force during the war. The *international* bodies referred to in this article were fact-finding bodies, meeting for international counsel in order to determine by unanimous agreement how the various national controls should best be exercised in order to win the war. Each government settled its own problems, but its manner of exercising its control was greatly affected—especially in the European countries which had been longer in the war—

by the findings of the Program Committees and the Allied Maritime Transport Council.

After the programs were agreed upon by the several governments, they could be carried out severally or by a common executive, as the exigencies of each case might require. These executives were located at the point where they could operate most efficiently. The Nitrate Executive was located in Washington, and when the war closed an arrangement already had been made by which the Hides and Leather Executive should be transferred to Washington. On the other hand, the Executive Department of the Food Council remained until the end of the war in London, although it is probable that if the war had lasted much longer it also would have been transferred to Washington.

To illustrate the wide range of subjects covered by these Inter-Allied bodies a few cases may be cited. Prior to the war wheat from India went through the Mediterranean to England, passing on the way wheat going from the United States to Italy. Under the Wheat Executive and the Program Committees, wheat from India stopped at Italy and the corresponding amount of wheat that would have gone from America to Italy went to England or France. This was not only a saving of ships, but an avoidance of an unnecessary submarine

risk in the dangerous western Mediterranean. England's oil-supply had come in very large quantity from the oil-fields of the Orient, in which her merchants had an interest, especially from Burma, Borneo, and Sumatra. American oil companies had built up a large market in China and were carrying oil from the Atlantic seaboard to China. A re-routing, which was about to go into operation when the armistice was signed, was arranged through the Petroleum Conference, by which the American oil should go to England and the oil from the Far Eastern points should go to China. Early in 1918 Italy was desperately short of coal. Through the Allied Maritime Transport Council an arrangement was made by which coal was sent from southern France to Italy, partly by an all-rail route and partly by rail to Marseilles, and then by ship to Italy. To take care of the coal needs of France, which would have been seriously imperiled by this diversion of coal to Italy, large shipments of Cardiff coal were sent across the Channel to the northern French ports. The March 21 (1918) drive of the Germans precipitated a very serious coal question. The principal coal-supply of France was in what is called the Pas de Calais district. The German military success not only reduced the output of the mines in this district, but—what

was more serious—prevented the carrying of coal from this district to the south of France because of the interruption of traffic on the main railway line to the south. An arrangement was therefore made by which the English army satisfied its coal needs from the French coal-mines in the northern district, and English coal was sent by ships to the more southerly ports of France to take the place of the coal which otherwise would have come from the Pas de Calais district. The whole theory of the Allied Maritime Transport Council was that, because of the pressure of war upon material and man power, it was the duty of all the States fighting against Germany to ascertain what were the paramount war needs and how those needs could be satisfied by the least consumption of material and the least waste of man power. It was really a world-wide application of the doctrine of "Goods and Services" which the War Savings Committees in both England and the United States have made familiar to millions of people.

When one examines carefully the structure of the Inter-Allied Committees which the war forced upon the United States, Great Britain, France and Italy, certain results stand out which may well be remembered:

(1) Even when the Allies were fighting for

their lives it was not possible — nor was it deemed desirable—to bring about any arrangement by which their resources could be merged under a single control.

(2) As long as the Allies had the strong common purpose of winning the war the questions about which they differed were largely questions of fact. Inter-Allied bodies to ascertain the facts were, therefore, of the greatest value in securing intelligent and united action by the responsible authorities.

(3) A permanent secretariat, with members from all of the States concerned, whose business it was to get the facts and collate them for responsible Ministers in close touch with the home governments, was found to be an effective way of getting ready acceptance by the governments of a common plan of action.

The signing of the armistice made a great change in the world's economic problem. During the last year of the war almost all ships entering the war area had been convoyed by naval vessels. This necessarily made the turn around of ships much longer. So soon as the Allies were able to abandon the convoy system it was possible to operate ships actually in service much more efficiently. Moreover, with the cessation of hostilities there was an immedi-

ate release of a great number of merchant-ships that had been serving the Allied navies and armies. The passing of the extreme shortage of ships brought at once into potential service quantities of supplies which had been stored in sections of the world remote from the battle area, and which had been inaccessible because of the inability to spare the maritime transport for the long haul.

Despite, however, the changed nature of the problem, it is obviously one in which some measure of co-operation will be needed until vast armies are demobilized and world order has been partially restored. It is not surprising, therefore, that the Peace Conference now sitting in Paris has found it necessary to create an Allied Food Council and an Allied Economic Council, upon both of which America is represented. While exact information as to the structure of these two councils has not yet reached America, it would seem clear that they are formed on the same principle as the Allied Maritime Transport Council and the Program Committees. That is to say, no State can be bound without its own assent.[2]

[2] Very little as yet has been published upon the subject-matter of this chapter. An official account of the working of the Allied Maritime Transport Council has been prepared by Mr. J. A. Salter, of the British Ministry of Shipping, who served as Secretary of the Council. This publication contains an accurate his-

We have now considered some of the forces which have brought and are bringing the various parts of the world together. We have briefly reviewed the visions of those who have dreamed of a single government covering the whole world. We have also reviewed the efforts of the jurists, statesmen and diplomatists to lessen the horrors of war and to avoid war, if and when possible, by arbitration or other peaceable methods. We have noted the great increase in co-operative action among the several States in the last century. And, finally, we have seen the impetus toward co-operation and the actual practice in co-operation which the great war has given the several States allied against Germany. We are now to consider the powerful and rapidly growing force which, unrestrained, tends to drive separate States apart—the principle of nationality.

---

tory of the formation of the Council, with much detailed information as to its activities during the year 1918.

*A League of Nations*, Vol. I, No. 7, published bimonthly by the World Peace Foundation, contains some interesting material relating to the Supreme War Council, the Allied Maritime Transport Council, and other affiliated bodies. It is, of course, too early to get all of the facts with reference to the working of the Supreme War Council. When the facts are available we may expect them to show the great difficulties of co-operation among Allies, as well as the advantages which flow from co-operation when it can be secured. The brief outline of the work of the economic bodies given in the foregoing chapter is based mainly upon the experience of the author during the year 1918 as one of the advisers of the Allied Maritime Transport Council.

# VII

## THE PRINCIPLE OF NATIONALITY

ONE principle for which this war was fought was the political and territorial independence of small nations. One of the first results of the war will be the conferring of independent statehood upon various national units which have been denied independence by the force of larger States. For more than three hundred years the principle of nationality has had a steady growth. It has had its periods of progress and its periods of reaction, but the general current of the stream has moved steadily and irresistibly forward. The strong impulse toward separate national States preceded the great democratic movement, and, in a sense, is independent of the impulse toward self-government. In fact, as Thomas Hill Green has pointed out, the aspiration for national unity, which must precede the organization of the State on a sound basis, for the time being readily yields itself to direction by a dynasty. Indeed, the

first two centuries of the history of the national State system were passed under the general prevalence and domination of the dynastic principle. At the same time it is true that the desire for the separate self-determined national State has received a great acceleration with the spread of democracy. If men are really to govern themselves (as opposed to having the forms of democracy), they desire to be associated with other men with whom they can really co-operate. They must be in a group the members of which have points of likeness which greatly outweigh their points of difference.[1]

It is not an accident, therefore, that in the long struggle between centralized political organization and local self-government the increase in the number of men and women participating in government has led to a more and more insistent demand for the grouping into separate States of those who, because of race, or geography, or religion, or tradition, or the demands of trade, are conscious of a permanent, common interest. Viscount Bryce disclaims the ability to define nationality, and then gives this excellent picture of what we mean when we speak of it:

[1] See especially C. J. H. Hayes, *Political and Social History of Modern Europe;* Robinson and Beard, *The Development of Modern Europe;* J. H. Rose, *Nationality in Modern History.*

But we can recognize it when we see it, and can in each case explain by the light of history how it comes to be what it is, the product of various concurrent forces, which have given to a section or group of men a sense of their unity, as the conscious possessors of common qualities and tendencies which are in some way distinctive, marking off the group from others and creating in it the feeling of a corporate life. Race is one of these forces, language is another, religion is a third, often of the greatest importance. A common literature—perhaps in the rude form of traditions and ballads in which those traditions are preserved, as in the songs of the Serbian people—all these things count. The memories of the heroes who helped to achieve liberty for Switzerland, of the perils they faced and the victories they won, have been to its people a constant stimulus to national sentiment. Even stronger, in some countries, than recollections of glory have been the recollections of suffering, of sorrows endured, and of sacrifices nobly but vainly made.[2]

A short review of the development of some of the principal national States will easily prove how correct Viscount Bryce is. Austria-Hungary before this war was a State, but not a nation; Poland and Bohemia were nations, but not States; France and Italy were nations as well as States, but neither was racially homogeneous.

[2] James Bryce, *Essays and Addresses in Wartime*, Chap. VII, p. 129.

The United States is a strong federal State, but because of the number of races from all over the world that make up its population it had been questioned whether it was really a nation. The ready acceptance of a universal military service law and the willingness of Americans of foreign birth and even of foreign tongue to die in France for what they believed the word America signified, may properly be said to have proved that America is a nation. The ancient States were not properly national States, although Athens, Sparta and Rome might well be called semi-national city-States. Neither the ancient patriarchal empires nor Greece nor Rome, however, welded their dependent populations into such homogeneous cultural groups as to enable us to say that they were the conscious possessors of common qualities and mutual interests or had that "will to live together" which Renan believed to be the ultimate test of nationality.[3]

Rome held the world in comparative order for several centuries, and the tradition of Rome profoundly affected government for many centuries following her fall. With the gradual breaking up of the Roman Empire, the Feudal System furnished but a rude and loosely knit

[3] Cf. James Bryce, *The Holy Roman Empire*, Chaps. II and VII.

substitute for imperial order and authority. Out of the decentralization of the Feudal System, however, the forces of historical development ultimately produced a new and more advanced form of unified political organization—the modern national State. The vassal looked to his lord for justice and order. Clashes between feudal lords eliminated the weak and developed the strong and an overlord or king was produced. The beginnings of modern commerce and the accompanying rise of a middle class profoundly affected the political development of western Europe. The king began to have at his disposal an independent source of income, which enabled him to hire a loyal army and administrative organization and render himself independent of the feudal lords. Then the intermediate feudal lords disappeared and there was a direct rallying of the people about the king. If the people had enough traits in common, and were conscious of that fact, they became a nation. From the latter part of the fifteenth century to the present time this process of national development has been operating unceasingly.[4]

The history of France may be taken as an illustration of this process of nation-building. Charlemagne, in the eighth century, was King of

[4] F. Oppenheimer, *The State*, Chaps. V, VI; W. Cunningham, *Western Civilization in Its Economic Aspects*, Book V.

the Franks, whether dwelling in Gaul or Germany. But his rule was the rule of the Roman ideal of universalism based on force. There was no real ethnic or cultural connection or unity between his German and his French subjects. After his death his grandsons divided his empire, and we have a king of the western Franks, or of France, and a king of the eastern Franks, or of Germany. Between lay Lotharingia (Lorraine), the inheritance of the third grandson, that strip of territory for which France and Germany have ever since battled. In the tenth century the western Frankish kingdom, now called France, fell to the powerful Capetian family. The struggle between royalty and the feudal lords went on, and in the thirteenth century Philip Augustus won back the northern part of France from England. But France was not yet a nation. It took three centuries more, the Hundred Years' War and the dynastic and civil wars of the sixteenth century, and then France, with all the cruelties, tyrannies, and limitations of its government, became properly a national State. What made her a nation? A score of forces. The economic elements underlying political centralization and national differentiation; the development of her language, which even in the Middle Ages exercised an influence beyond her borders; her bitter suffer-

ings for several centuries; the vision and the victories of the peasant girl from Domrémy, and the triumph of the white-plumed Knight of Navarre. From the fifteenth and sixteenth centuries on, France is not only a State, but a national State. Her people love her, not because they are ordered to, but because she is France. Bazaine, when tried for the surrender of the fortress of Metz in 1871, defended his course by asking what there was left to fight for—the Emperor had capitulated, the independent army had surrendered. The Duc d'Aumale, one of his trial judges, responded: "There is always *France!*" That is nationality![5]

In England the contest between the feudal nobility which we know as the War of the Roses prepared the way for the extinction of the Feudal System. Henry VII, an alert and vigorous king, established the House of Tudor and laid the foundations of the dynastic national state in England. A middle class developed which owed its allegiance directly to the head of the State. By the end of Elizabeth's reign Englishmen were fighting for England rather than for their particular lord, and a half-century later the new forces were to demonstrate their superiority even over the Crown. What made

[5] Cf. C. V. Langlois, *The Historic Rôle of France Among the Nations;* G. B. Adams, *The Growth of the French Nation.*

England a nation as well as a State? Was it the personality and statesmanship of Henry VIII and Elizabeth, or the separation of the English Church from Rome, or Shakespeare, or Drake? It was all of these and a dozen forces in addition! When Nelson flew his signal at the battle of Trafalgar, "England expects every man to do his duty," not only the seamen, but all the people recognized Nelson's clear right to ask for the performance of duty *in England's name.* The men on the *Victory* fought not for George III, not even for Nelson, but for England. That, again, is nationality![6]

In the sixteenth century the little country of Holland, aroused by Spanish tyranny, and led by William the Silent, broke away from Spain. The heroism of a great man and the suffering of a great people, so eloquently pictured by Motley, made a nation. What was written on parchment at Münster and Osnabrück only confirmed the rights that had been born in little Holland's hour of travail. The men and women who kept the Spanish invader away from their land by letting in the friendly ocean to devastate their hard-won fields were ready to form a truly national State. They

[6] A. F. Pollard, *Factors in Modern History; The History of England, from the Accession of Edward VI to the Death of Elizabeth;* H. A. L. Fisher, *Political History of England, 1485–1547.*

preferred a drowned land to a lost land. That, once more, is nationality![7]

By the middle of the eighteenth century national States had been started in nearly all of Europe. Only in Germany, Austria-Hungary, Italy, and the Balkans had the process been postponed, partly because of unfavorable geographical situation, partly because the dying fingers of the Hapsburg Dynasty had not yet been finally loosed, and partly because these States had not been so deeply affected by that enemy of the feudal régime—the Commercial Revolution.

In 1789 the French Revolution blazed out. The new commerce and a century of administrative experience had strengthened the French middle class, which was now able to defy and overpower king, nobles, and clergy. The Revolution purged France of its misgoverning classes, and, despite its excesses, it loosed new forces of idealism which were to affect the whole world. Napoleon seized these new forces, attached them to his person, and conquered Europe. The Napoleonic Wars, however, developed into a clear-cut contest between the revived ideal of Imperial Rome and the new principle of nationality. And the principle of

[7] J. L. Motley, *The Rise of the Dutch Republic;* P. J. Blok, *A History of the People of the Netherlands.*

nationality won. Napoleon might enter Madrid and Berlin and Vienna and Moscow, but he could not make Spaniards and Germans and Russians into Frenchmen. The very humiliation of the Germans in the Napoleonic Wars furnished the impetus for the development of their belated nationality. Stein and Fichte and Arndt and Scharnhorst hewed the stones which Bismarck and Moltke later used to build not only a new German State, but a German nation.[8]

Europe—in the early nineteenth century—left Italy, like Germany, a "geographical expression," and endeavored to maintain this artificial separation of the Italian States by leaving them under the guidance of the House of Hapsburg and the Vatican. But Mazzini must be kept from talking and writing if Italian aspirations were to be denied. This was impossible, so the modern Italian State emerged in the third quarter of the nineteenth century. When the army of Piedmont was routed by the Austrians at the battle of Novara in 1849, young Victor Emmanuel, with his army hopelessly beaten, exclaimed, "And yet, by God! Italy shall be!"

---

[8] J. H. Rose, *Nationality in Modern History,* Lectures II–V; *The Cambridge Modern History,* Vols. VIII–IX; Marriott and Robertson, *The Evolution of Prussia;* Munroe Smith, *Bismarck and German Unity.*

There was no Italian State at that time, but there was an Italian nation in the making. The sagacity, courage, and vigor of Cavour, the dashing bravery of Garibaldi and his "Thousand Red Shirts," and the sound judgment of Victor Emmanuel brought both political and national unity to Italy.[9]

But in the very period when German and Italian unity was being achieved, the repressed national aspirations in central, eastern, and southeastern Europe were raising new national problems. The Balkan nations, despite their own patriotic efforts and the not disinterested aid of Russian Pan-Slavism, had been unable to obtain more than partial political emancipation by 1914. Rumanians and Croats were repressed by Magyars; Serbs and Slovenes by Austria; and portions of all the Balkan nationalities by the Turks. The Finns were submerged in Russia; Poland had been partitioned among Russians, Austrians, and Prussians; the Czechs and Slovaks were repressed by Austria. Moreover, parts of great historic nationalities, such as the French of Alsace-Lorraine, the Danes of Schleswig, and the Italians of the "Irredenta" district, were separated artificially from their natural political union with their

[9] W. R. Thayer, *The Dawn of Italian Independence; The Life and Times of Cavour;* B. King, *A History of Italian Unity.*

mother-countries. Ireland, in spite of Gladstone's efforts, was still awaiting home rule.[10]

In all of this striving for nationality we see two great forces running: the principle of freedom and democracy, which makes men and women ardently desire a greater and greater participation in their own government, and, paralleling this, and essential if freedom and liberty are to be real, the inevitable tendency of self-governing groups to arrange themselves in homogeneous and separate political units. Self-government involves the bowing of the minority to the majority except in those cases where the majority attempt to interfere with life or liberty or religion or other rights which men commonly regard as a part of a free political order. But if the majority and the minority have little or nothing in common, we have not self-government, but a government of one race or class by another race or class. As President Lowell has said in his book on *Public Opinion and Popular Government:* "Public opinion to be worthy of the name, to be the proper motive force in a democracy, must be really public; and popular government is based upon the assumption of a public opinion of that kind. In order that it

[10] Arnold J. Toynbee, *Nationality and the War;* H. A. Gibbons, *The New Map of Europe;* Stoddard and Frank, *The Stakes of the War;* James Bryce, *Essays and Addresses in Wartime,* Chap. VII.

may be public a majority is not enough, and unanimity is not required, but the opinion must be such that while the minority may not share it, they feel bound, by conviction, not by fear, to accept it; and if democracy is complete the submission of the minority must be given ungrudgingly."[11] The difficulty of drawing the line in the practical field of statesmanship, which has to deal in a concrete and immediate way with adjusting the impatient and conflicting claims of national groups, is, of course, endless. Ireland wants home rule from England; Ulster then wants home rule from Ireland; half a dozen counties then want home rule from Ulster. Obviously, this process of self-determination could go on until we had reached a group of three, in which the minority of one would self-determine himself away from the other two. The overlapping claims of the national groups in the Balkans present no less baffling problems. Natural geographic boundaries, which can scarcely be ignored, perversely refuse to coincide with national groupings.[12]

When we turn to the problems that confront the Peace Conference the difficulties of re-

[11] A. L. Lowell, *op. cit.*, pp. 14–15.

[12] Cf. L. Dominian, *The Frontiers of Language and Nationality in Europe;* Arnold J. Toynbee, *Nationality and the War;* Thomas G. Masaryk, *The Problem of Small Nations in the European Crisis.*

creating Europe from Danzig and Finland on the north to the Adriatic and Ægean seas on the south present a series of problems that will sorely tax human wisdom. Poland, very properly, will be restored to its ancient freedom, but the exact determination of its boundaries may well create a new Irish or a new Ulster problem. Bohemia, with its neighboring Moravia and Slovakia, will become a Czecho-Slovak State, but the aspirations of one million German subjects to the north and west of Prague may lay the ground for future quarrels. It would be easy to leave these Germans as a part of Germany, were not the problem always complicated by economic and geographic considerations. Hungary at last is to be separated from Austria, but after that is done the principle of nationality takes away from Hungary a great part of its territory for Rumania and another large portion for the Jugo-Slav State. In that portion which goes to Rumania there will be a large body of Magyars entirely cut off from their brothers. Here again this population might well be left with Hungary did not geography prevent. From the Austrian-Hungarian Empire the Slovenes and Croats and Serbs have already broken away. These, with the present Serbia and Montenegro, will constitute the new Jugo-Slav State, and a readjustment of boun-

daries along national lines between Serbians, Bulgarians, Rumanians, and Greeks will be essential. Albania will probably remain a nomad State. In recognition of the national ambitions of Italy, the Trentino will become a part of that State. On the other side of the Adriatic the problem will be more difficult because the intermixture of races is such that we already find conflicts between Italian and Jugo-Slav aspirations.[13]

It is idle to attempt to forecast the exact results of the work of the Peace Conference in making the new boundaries, but the principle upon which the delegates are pledged to work, and are working, is clear. The Allied Governments, as well as President Wilson, are pledged to the principle of nationality. They are making a final ending of the Middle Ages. The creation of the new States will be a definite repudiation of the peace that comes by force—the peace of Cæsar, of Charlemagne, of Napoleon, of Bismarck. The work begun with the Peace of Westphalia in 1648—which abandoned the old imperial ideal and introduced into European public law the recognition of the modern Na-

[13] H. A. Gibbons, *The Reconstruction of Poland and the Near East;* A. H. E. Taylor, *The Future of the Southern Slavs;* J. A. R. Marriott, *The Eastern Question;* R. W. Seton-Watson, *The Rise of Nationality in the Balkans; Racial Problems in Hungary.*

tional State—will be completed when this treaty is made. The States of Europe will all be started anew upon a basis of a nationality more completely realized than ever before in history. Of course, no possible solution will enable the Peace Conference to group into single States all those having common aspirations, common traditions, or common language. The Peace Conferees will do the best they can within the geographic limitations which confront them. For weal or for woe, however, the principle they will follow will be the principle of nationality. If this increases the likelihood of international disturbance the remedy must be found in some new international order and not by declining to give independence to those who have legitimate aspirations for separate nationality. The responsibility created at Westphalia in 1648 and since evaded must be sincerely, courageously, and honestly faced.

We must not, however, deceive ourselves. It is most important clearly to recognize that we are trying to get two things. If we want world peace at whatever price, we can take our eyes away from liberty and think only of order, and the principle of nationality will go by the board. If we want unrestricted national liberty at whatever cost, we can think only of the separate national States and the price will be the aban-

donment of a League of Nations. Our first step is another movement away from the peace of force. We are making a final elimination of the Roman Peace. We are creating new States which will have new conflicting interests. We are recognizing liberty at the possible expense of order, because we believe it is worth the price. The reconciliation of these two aims—world order and national independence—is the problem of the Peace Conference. We must go at our task with open eyes. We must start by admitting that we cannot get something for nothing, that if national States are vital to the orderly development of the world, as we believe they are, we must sacrifice some world order for the sake of the development of national characteristics.

## BIBLIOGRAPHY

THEODORE RUYSSEN, *The Principle of Nationality.*
J. H. ROSE, *Nationality in Modern History.*
RAMSAY MUIR, *Nationalism and Internationalism.*
A. E. ZIMMERN, *Nationality and Government.*
JAMES BRYCE, *Essays and Addresses in Wartime,* Chapter VII.
DAVID JAYNE HILL, *World Organization as Affected by the Nature of the Modern State.*
ARNOLD J. TOYNBEE, *Nationality and the War.*

LEON DOMINIAN, *The Frontiers of Language and Nationality in Europe.*

A. F. POLLARD, *Factors in Modern History.*

W. CUNNINGHAM, *Western Civilization in its Economic Aspects*, Book V.

R. W. SETON-WATSON, *et al.*, *The War and Democracy.*

# VIII

## CAN THE CONFLICT BETWEEN WORLD ORDER AND NATIONAL INDEPENDENCE BE RECONCILED?

IN the preceding chapters we have referred to the insistent demand of the peoples who have taken part in this war that there should be some better method of settling international disputes than war. We have reviewed some of the more important "peace plans" that have been made by philosophers and rulers during the past three hundred years, most of which plans laid little, if any, stress upon the strong national spirit which makes a group of people want to develop their own destiny, with a government under their own control. We have considered, also, the patient, plodding work of the diplomatists and jurists who for three hundred years and more have been building up, step by step, what we know as international law. We have also outlined some of the international agencies, such as the Universal Postal Union, which have been forced upon the world by science and commerce; and we have reviewed the co-operative

effort which the great war compelled the Allied nations to make. Having discussed these various forces, spiritual and material, which have tended to bring distant parts of the world close together, we have then considered that great force which, unrestrained, has kept the world apart—the spirit of nationality. And we have shown that that spirit, instead of weakening, has been growing stronger during the past three hundred years, especially during the past century. We have indicated that the real problem of the Peace Conference is the problem of reconciling the desire of men for world order with their desire to develop their own governments in accordance with their national aspirations—the old conflict between order and liberty. Is a reconciliation possible, and, if so, how and when?

Immanuel Kant was born in 1724, a German with a Scotch grandfather. He published his essay on "The Natural Principle of Political Order, or the Idea of a Universal History," in 1784, the essay on "The Principle of Progress" in 1793, and "Eternal Peace" in 1795.[1] Be-

[1] English translations of all these essays are available. In the summary given below we have used the translations of W. Hastie and M. Campbell Smith. The little book called *Eternal Peace*, published by The World Peace Foundation, with an introduction

cause of the brief rules laid down in the last essay, Kant is generally classed with those who proposed a plan for peace immediately realizable. This is incorrect. Kant made no such plan! On the contrary, he made a profound analysis of the reasons why external peace was not attainable without long training and struggle. But he did see clearly the distant goal; and, more than that, he marked out the toilsome pathway which the world must travel before it can ever reach that goal.

It may seem presumptuous for one not professionally trained in philosophical exposition to attempt to summarize Kant, about whose writings philosophical teachers have so widely differed. After all, however, the important thing is not so much whether we correctly interpret Kant, but whether Kant enables us to-day to see our own problem more clearly. Kant may have seen much more than we can see; and a more skilful interpreter may see more to-day in Kant's vision than we can see. Let

---

by Edwin D. Mead, uses the Hastie translation. Miss Smith's Introduction to the *Essay on Perpetual Peace* is especially complete and valuable, and indicates Kant's relation to his predecessors in political theory, especially to Rousseau and Locke. This matter of the relation of Kant to earlier writers, and more particularly to Locke, is dealt with by David Jayne Hill in his *World Organization as Affected by the Nature of the Modern State*, Chap. IV, pp. 95–103.

that be assumed. This, however, is Kant's vision as we see it:

Man, unlike the other animals, is endowed with reason. He does not, however, act always in accordance with his reason. Rather are his acts fitful, sometimes guided by reason, sometimes by instinct. We must believe, however, that all the capacities which nature has implanted in any creature are destined to unfold themselves if sufficient time be allowed. And this must be true of man's natural capacity to use his reason, which will be fully developed if we allow sufficient time.

But man's reason develops only by its constant exercise; by failures and successes it gradually advances from one stage of insight to another. No man within the short span of life allotted him can get enough experiments with his reason to enable him to live completely in accordance with that high faculty. To live rationally, however, is always his goal, and he may hope to make such progress that his children may start from a higher level than that from which he started. Thus, the goal which, for lack of experience, he himself can never attain, the race to which he belongs may ultimately reach. And by the quality of his own life he may advance the species toward that ultimate goal.

It seems as if nature had intended, not that man should have an *agreeable* life, but a *hard* life. Nature, having endowed man with reason, left him without the natural weapons which are part of the equipment of the animals that act by instinct. Man must invent his own covering, his own shelter, his own means of security. He must struggle from the greatest crudeness of life to his highest capabilities and to internal perfection in his habit of thought. Moreover, he must continue the struggle though the weary toil be for the sake of those who come after him, that they may live in the dwelling upon which he and his long line of forefathers have labored.

The two great human qualities which drive the individual forward in this self-culture are the social instinct and the self-assertive instinct. Man has a strong inclination to associate himself with his fellows. He has, however, also a strong inclination to individualize himself—to outstrip his fellows. He expects others to resist him, just as he knows that he is inclined to resist others. And this mutual antagonism awakens the powers of man, overcomes his propensity to indolence, impels him through desire for honor, or power, or wealth, to strive after rank among his fellow-men. His desire for possession, his envious jealousy and vanity, even his love of power, are the qualities which have

lifted him from the simplicity of an Arcadian shepherd life. Man is social and desires concord, but man is competitive and is driven to strife. He desires to live in peace with his fellows, and he fights with his fellows in order that he may have peace.[2]

But it is impossible for men long to exist beside one another in wild, lawless freedom. By the very evils involved in lawless liberty man is compelled (not necessarily consciously) to pass from a state of lawlessness and to enter into a civil constitution in which the germs of his hu-

---

[2] The late Prof. William Graham Sumner, of Yale, emphasizes the importance of these principles of competition and combination in the process of social evolution:

"It is to be observed that this ultimate unit is a group and not an individual. Every individual excludes every other in the competition of life unless they can by combining together win more out of nature by joint effort than the sum of what they could win separately. This combination is what makes groups and brings about industrial organization. When a man and woman unite in the most elementary group known, they do it for economic reasons, because they can carry on the struggle for existence better together than apart. In time this turns into a kin-group, united 'by blood.' This remains undivided as long as its organization gives advantages, but breaks up when it grows too big for the existing economic system. As soon as it breaks, the fractions begin to compete with each other. If by greater culture a higher organization becomes possible, two groups coalesce by intermarriage or conquest, competition gives way to combination again, and the bigger unit enters into competition with other composite units. Thus at all stages throughout the history of civilization competition and combination forever alternate with each other."—*War and Other Essays*, pp. 7–8.

manity can be unfolded. The greatest practical problem for the human race is therefore the establishment of a civil society, universally administering right in accordance with law. This requires a society which permits the greatest liberty, and to that extent involves antagonism of its members; and a society which at the same time determines the limits of individual liberty in order that it may co-exist with the liberty of others. The attainment of a civil constitution in which liberty and order would be perfectly adjusted is the highest problem prescribed by nature for the human species. It is likewise the most difficult problem and will be the last to be completely solved by the human race. For, as a rational being, man desires a law which shall fix the bounds of his freedom; as a selfish animal, he disregards that law or attempts to exempt himself from it. How is he to be governed? His ruler may be one man, or a group of men, or the whole body of the State of which he is a member, but whether he is governed by an autocracy, or an aristocracy, or a democracy, in any case the governor is human and, like himself, is governed by instinct as well as by reason. The highest authority must be just and at the same time human. Begin and end where he may, therefore, it is not easy to see how man can place over himself any supreme

authority that will be entirely just, whether that authority be one person or the whole society of the State. Until man himself fully exercises his capacity to reason, the world-old question will continue to be asked, "Who is to govern the governor?"

The establishment of the perfect civil constitution of a single State is dependent upon the proper regulation of the external relations between States, and without the solution of the external problem the internal problem cannot be solved. It is obvious that a State cannot administer right in accordance with law, however perfect its constitution, if it is interrupted by the acts of other States. States, like individuals, are both social and unsocial. They desire relationships with their neighbors and they desire to excel and surpass their neighbors. Through wars, and the never relaxed preparations for wars, and the burden of debt and devastation left by war, separate States will be driven into unions. And in this process nature does not and cannot hurry. If too soon all the States should be fused into a single State by the force of one Power that had overgrown the rest and subjected them to its sway, the evils of despotism would ensue, the laws would lose their definiteness and fairness of application as the range of government became enlarged, and

despotism would end in anarchy.[3] But nature, by differences of language and religion, works to keep men from forming the Universal State too soon. As civilization increases, as men become more and more alike in principles and get more and more of an understanding of one another and of their differences, the final Federation of States will be developed.

Kant clearly recognizes that he is describing an ideal at present unattainable, but still an ideal toward which all men guided by reason

[3] A century before Kant wrote William Penn clearly perceived the dangers of a universal State. In discussing the advantages which would come from the application of his plan for universal peace, he made the following observation on the necessity of granting a certain degree of liberty and independence to the national States if the whole benefit of peace was to be derived:

"This leads to the Benefit of a Universal Monarchy, without the Inconveniences that attend it: For when the whole was one Empire, tho' these Advantages were enjoyed, yet the several Provinces, that now make the Kingdoms and States of Europe, were under some Hardship from the great Sums of Money remitted to the Imperial Seat, and the Ambition and Avarice of their several Pro-consuls and Governours, and the great Taxes they paid to the Numerous Legions of Soldiers, that they maintained for their own Subjection, who were not wont to entertain that Concern for them (being uncertainly there, and having their Fortunes to make) which their respective and proper Sovereigns have always shown for them. So that to be Ruled by Native Princes or States, with the Advantage of that Peace and Security that can only render an Universal Monarchy Desirable, is peculiar to our Proposal, and for that Reason it is to be preferred."—William Penn, *An Essay Towards the Present and Future Peace of Europe*, p. 16.

must constantly strive. This goal will not be reached in a precipitate manner, but it must be unceasingly approached as the favor of circumstances will allow. The internal government of States and the relations of States one to another are part of the same problem. Kant's conditions of permanent peace, therefore, are:

(1) *Each State shall have a republican constitution.* This does not have reference to the form of government. It may be a monarchy or a democracy; but whatever the form, law must rule above force. The constitution must be a representative one, based on the freedom and equality of the members of the State and their mutual dependence on a common legislature.

(2) *The Law of Nations shall be founded on a federation of free States.* It is to this end that mankind is advancing. To make many nations into one single State is not only impracticable, but undesirable. It might well lead to despotism and it would ignore the necessity of developing the several national traits.

(3) *There shall be universal hospitality*, which means a recognition of the right of a stranger, if he conducts himself peacefully, to go to a foreign State without being dealt with in a hostile way.[4]

[4] Immanuel Kant, *Essay on Perpetual Peace.* M. Campbell Smith's translation, pp. 117 ff.

And the history of the race seems to Kant to indicate a movement toward this perfect constitution, although the small orbit through which the human race has as yet passed gives us insufficient data to measure the orbit through which it is to travel. There are, however, faint traces of the approach of the goal. The close relationship of States is now such (this, mark you, was written in 1784!) that no State can slacken in its internal development without lessening its power and influence with the rest. States must govern themselves better internally or drop out. As the interference with civil liberty causes damage to industry and commerce, and thereby weakens the external power of the State, the tendency is to remove all restrictions on personal liberty. War itself is becoming more and more hazardous and objectionable because of its uncertainties and the ever-increasing burdens which it leaves behind. Moreover, every political disturbance of any State of Europe—because of the interlocking of the States through the connections of trade—exerts upon all the States an influence which forces them by their common danger, though without lawful authority, to offer themselves as mediators in the troubles of any State. The States are thus beginning to arrange for a great official political body such as the world has

never yet seen. That body exists now only in rough outlines, but a feeling begins to stir the various members, each of which has a common and steadily increasing interest in the maintenance of the whole.

Kant's political writings were published in the decade between 1784 and 1795. It would have been difficult to have drawn a better picture of the succeeding one hundred and twenty-five years than he has drawn.

Kant said that the increasing contacts of the world to which men would be impelled by trade and commerce would compel them to live together more rationally. It has so happened; one international union after another has been formed by international treaty in order to assist commerce.

Kant said the several States would go on fighting and preparing for war, learning only by experiment to live more rationally. This prediction, too, has been verified. The nineteenth century was a century of alternate peace and war, and of never relaxed preparation for war. And, finally, the world war came, and all of the developments of science were devoted for four years and a half to purposes of destruction. The result has been more appalling than any one could have conceived. Now, as never be-

fore, men are being impelled by their experience to think of a new set of rules for the Society of States. Nature has given them a fresh and more insistent command, "Live rationally or perish!"

Kant said that no single generation would get enough experience to attain the goal, but that the race would drive on, each generation perhaps starting its children from a little higher level than that from which it had started. In the history of a race a century is a short time; yet the last century has been a period of great change. Can any one question that the purposes of the people of the world and of their representatives at the Paris conference to-day are on a much higher level than at the Congress of Vienna one hundred years ago?

It is idle to class Kant with those who would write some words on parchment and bring eternal peace. All of his essays negative such a thought. Man cannot get something for nothing. By the sweat of his brow, by the stretching of his sinews, by the subdual of his passions, by the conquering of his prejudices, by the obedience to his reason, he shall reach his goal. No, he shall not reach it! But he may climb the hill and see the promised land, and his children's children may go into it a little sooner because of his conduct. Let him who is able produce a

nobler vision of either the duty or the destiny of the human race![5]

To-day, "the favor of circumstances" gives mankind the opportunity to approach a little nearer the goal. The representatives of twenty-four States are sitting at the Peace Conference. The highly developed States are there; the backward States are there. The men at the peace table, and the peoples they represent, will differ greatly in their opinions as to what can be accomplished. Those differences of opinion will turn largely on the emphasis that is put upon

---

[5] David Jayne Hill, in his *Rebuilding of Europe*, recognizes the significance of Kant's efforts to provide for a reconciliation of peace with the existence of the national State. See especially pp. 43 ff. The following citation is particularly illuminating:

"Such a conception appears at first sight to be not only cosmopolitan, but anti-national. Cosmopolitan it undoubtedly is, and therein lies the possibility of ultimately realizing the idea of a true society of States; but it is not anti-national in the sense of denying the value and necessity of the nation. What it aims at is the extension of local order until it becomes general order, by so conceiving the State as to allow of its co-operation with other States, either by federation, or some other correlation, with the purpose of insuring universal harmony and, therefore, permanent peace.

But in order to reach this result Kant holds that the 'holy and inviolable law of reason' must triumph over the impulses of the natural man not by military force, for freedom and violence are incompatible, but by the gradual evolution of mankind through the action of rational intelligence.

Here is presented, no doubt, a conception of the State which renders internationalism possible without the destruction of nationalism."—David Jayne Hill, *The Rebuilding of Europe*, pp. 44–45.

*liberty* or *order*. There will have to be great compromises.

The instinct of those who shrink from any widening of the areas of governmental responsibility and administration is a sound instinct; it is a recognition of the desire of peoples for *liberty*, for the right, untrammeled, to work out their own destiny in accordance with their own national traits and aspirations. It is also a recognition of their own limitations and the limitations of their leaders. Viscount Bryce put this strikingly in his presidential address before the British Academy on June 30, 1915:

Sometimes one feels as if modern States were growing too huge for the men to whom their fortunes are committed. Mankind increases in volume, and in accumulated knowledge, and in a comprehension of the forces of nature; but the intellects of individual men do not grow. The power of grasping and judging in their entirety the far greater mass of facts to be dealt with, the far more abundant resources at command, the far vaster issues involving the weal or woe of masses of men—this power fails to follow. The disproportion between the individual ruling men, with their personal prejudices and proclivities, their selfish interests and their vanities, and the immeasurable consequences which follow their individual volitions, becomes more striking and more tragic. As the stage expands, the figures shrink. There were

some advantages in the small city-states of antiquity. A single city might decline or perish, but the nation remained; and another city blossomed forth to replace that which had withered away. But now enormous nations are concentrated under one government and its disasters affect the whole. A great modern state is like a gigantic vessel built without any water-tight compartments, which, if it be unskilfully steered, may perish when it strikes a single rock.

How ignorant modern peoples, with all the abundant means of information at their disposal, may nevertheless remain of one another's character and purposes! Each of the nations now at war has evidently had a false notion of its adversaries and has been thereby misled. It has not known their inner thoughts, it has misread their policy. It was said in the days of the American Civil War that the misconception by the Southern States of the Northern States, and their belief that the North cared for nothing but the dollar, was the real cause why their differences were not peaceably settled, and yet they were both members of the same Republic and spoke the same language.[6]

On the other hand, the instinct of those who desire some higher authority which will prevent war is also a sound instinct. It is the desire of men for *world order*, for some practical method

[6] James Bryce, *Essays and Addresses in Wartime*, Chap. V, pp. 98–99.

of preventing another world cataclysm. As an indication that a well-poised mind can see both sides of the question, we quote again from Viscount Bryce—this time from his article on a League of Nations:

If we do not try to make an end of war, war will make an end of us. In every free country the best minds must now address themselves to the means of deterring aggressive Governments from war and enthroning Public Right as the supreme Power in international affairs. With goodwill, with an unselfish devotion to the highest and most permanent interests of humanity, nothing is impossible.

If we let slip this opportunity for the provision of machinery by which the risk of future wars may be averted or reduced, another such opportunity may never present itself. If things are not made better after this war the prospect will be darker than ever. Darker because the condition of the world will have grown so much worse that the recurrence of like calamities will have been recognized as a thing to be expected and the causes of those calamities as beyond all human cure. Rather let us strive that all the suffering this war has brought, and all the sacrifices of heroic lives it has witnessed, shall not have been in vain.[7]

The reconciliation of those two ideals—the ideal of *liberty* and the ideal of *order*—is the

[7] James Bryce, *Essays and Addresses in Wartime*, Chap. V. p. 183.

problem of the statesmen at the Peace Conference. With the whole world as a stage, statesmen are seeking some formula that will bring about *ordered liberty*. And in their quest they must deal with human nature as it is. They must consider our shortcomings as well as our capabilities, our capabilities as well as our shortcomings. Taking the human race as it is, considering the advance that it has made in the last three hundred years and the capabilities of advance which we believe it has, what practical steps can we now take to advance the race a little toward its goal? What new rules for the Society of States, for the new Society of National States, is the world ready to make, and, having made, observe?

## BIBLIOGRAPHY

IMMANUEL KANT, Works as cited in the text, and particularly Miss M. Campbell Smith's introduction to the *Essay on Perpetual Peace.*

FREDERICK PAULSEN, *Immanuel Kant.*

THOMAS HILL GREEN, Works, edited by R. H. Nettleship, especially *Lectures on the Principles of Political Obligation*, Vol. II, p. 335.

DAVID JAYNE HILL, *The Rebuilding of Europe*, Chapter II.

JOSIAH ROYCE, *The Spirit of Modern Philosophy*, Lecture IV.

D. G. Ritchie, *Studies in Political and Social Ethics.*

Bernard Bosanquet, *The Philosophical Theory of the State.*

# IX

## THE DRAFT OF COVENANT SUBMITTED TO THE CONFERENCE, FEBRUARY 14, 1919

THE proposed Covenant submitted by a committee to the Peace Conference on February 14, 1919, has been subjected to an adverse criticism that has been extraordinarily varied. Owing perhaps to the use of the word "Constitution" in the preamble there has been a too hasty assumption that the Covenant creates a World-State. This assumption is not unnatural in America, where the word "Constitution" is associated with the creation of a State. A reading of the articles, however, should make clear that no World-State is established. The League has no power to levy and expend taxes; in fact, the only direct reference to expenses is contained in Article V, which provides that the expenses of the Secretariat shall be borne by the member-States in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union.[1] Then

[1] See p. 92–93 supra, for the method of apportioning the expenses of this Bureau.

there is the provision in Article XVI which contemplates that the member-States will distribute the financial and economic loss which may result from a boycott or co-operative military or naval effort; but this provision of course places no revenue in the control of a World-State. Nor has the League any power to organize and command armies—not even the power to make requisitions upon the member-States for quotas of men. An organization which has no command of either the purse or the sword can hardly be called a State in any proper sense of the word. The document is in essence a Covenant or treaty entered into by independent States. By entering into the Covenant the States are surrendering their right of independent action only to the very limited extent that the Covenant prescribes. In this respect it is like many other treaties made by civilized States which limit their right of action.[2] But this is far different from surrendering any of the organs of their separate governments to a Super-State, as was the case when our own Federal Government was founded. It would be better, therefore, from the American point of view, if the word

[2] See Sir Frederick Pollock on "Sovereignty and the League of Nations," in the *Fortnightly Review*, December, 1918, Vol. CX, pp. 813–818, and reprinted in the *Living Age*, January 11, 1918, Vol. CCC, pp. 68 to 72.

"Constitution" had been omitted. The document is a joint international treaty, far wider in its scope than any we have heretofore made, but of the type of convention to which the United States from time to time has become a party.[3]

But whatever the name that may be given to the document in the preamble, obviously we must look to the articles themselves for the meaning, with such help as we may secure from the public explanations made by the framers of the document at the time of its submission to the Plenary Peace Conference.

In the main the criticisms of the Covenant have been of three general classes:

(1)—That it is not satisfactorily expressed.

To this criticism it can be answered that the Peace Conference, to whom the draft has been reported, must be presumed to be willing and anxious to have any looseness of expression cured and that specific criticisms of method of expression should be submitted to the Conference.

M. Bourgeois, at the plenary sitting of the Peace Conference on February 14th, explained

---

[3] See John Bassett Moore's *Principles of American Diplomacy*, pp. 433–434, for a reference to joint international treaties entered into by the United States since October 22, 1864, such treaties representing a break from the former policy of making only separate or independent agreements with other States.

very frankly the spirit in which the Committee had worked and the desire of all that the draft of the Covenant should be tested in the court of the world's public opinion:

> Lord Robert Cecil has said we now present to the Conference and to the world the result of our work, but we do not present it as something which is final, but only as the result of an honest effort to be discussed and to be examined not only by this Conference, but by the public opinion of the world.

(2)—That the Covenant does not create a strong enough League, or, as it has been expressed, that "it has no teeth" with which to accomplish its object.

To the critics who desire a Covenant that gives greater power to the League the answer seems fairly plain. This proposal is the result of the deliberations of representatives of many States, as jealous of their national powers and as suspicious of encroachment upon them as the American people are. The spirit of nationality is not confined to any single national State. It is not probable that the European Powers are willing to go much farther than this proposal goes. All advances in international co-operation come slowly—those parchment agreements that go beyond the general desires of the people who are expected to observe them

may do much more harm than good. And it can hardly be doubted that any proposal which, like the present, calls for frequent conferences of the States to aid peace (even if it does nothing else) is better than no covenant at all. There are some who want an international sheriff directed by an international executive. They should remember that an international army strong enough to preserve peace would also be strong enough to impose injustice. Let them not forget that the world has not yet answered the old question, "Who is to govern the governors?"

(3)—That the Covenant goes too far and unduly interferes with the powers of the separate States; more particularly, that it unduly interferes with the independence of the United States.

In this article we shall deal with the Covenant mainly from the point of view of the third class of criticisms (which have been by far the most frequent), and in analyzing the Covenant from that point of view we shall search for its purposes as expressed in the language of the Covenant and the explanations made by certain of the conferees when the Covenant was submitted to the Peace Conference.

Let us examine the Covenant under three headings:

First: The organization of international relations during peace;

Second: The method of handling disputes between States;

Third: The effect of the Covenant upon the traditional foreign policy of the United States.

FIRST: THE ORGANIZATION OF INTERNATIONAL RELATIONS DURING PEACE:

(a) The proposed Covenant attempts *to abolish secrecy* in international relations, particularly in that it requires member-States to agree upon

(1) a full and frank interchange of information as to armaments (Article VIII);

(2) the registration with the Secretary-General of every treaty or international engagement, the abrogation of all international obligations inconsistent with the Covenant, and the refraining from entering into any new engagements inconsistent with the terms of the Covenant (Articles XXIII and XXV).

There can hardly be doubt that these provisions are important—and, in substance, sound. The substitution of frankness for reserve is an essential of the diplomacy of democracies.

(b) The proposed Covenant provides for *constant common counsel* on certain specified international matters; in this respect it uses the experience of general international conferences like The Hague, and especially the experience gained by the Inter-Allied organizations during the war. It effects this common counsel through:

(1) a Body of Delegates, meeting at stated intervals, and from time to time as occasion may require, each of the member-States to have one vote and not more than three representatives (Articles I and II), it being evident from Article VII that dominions and colonies, provided they are self-governing countries, are to be admitted as member-States;

(2) an Executive Council, to meet at least once a year, to consist of representatives from the five so-called great Powers (including, of course, the United States), and representatives of four other States, selection of such four States to be made by the Body of Delegates (Articles I and III);

(3) a permanent Secretariat to be established at the seat of the League, the head of the Secretariat to be a Secre-

tary-General, chosen by the Executive Council (Articles I and V);

(4) a permanent Commission to advise on armaments and military and naval questions generally (Article IX);

(5) a Commission to receive and examine annual reports on the administration of those colonies which, as a consequence of the war, have ceased to be under the States which formerly governed them and have been handed over in trust to other States as mandatories (Article XIX);

(6) a permanent Bureau of Labor (Article XX);

and, in addition to the foregoing permanent official bodies:

(7) international bureaus already established, or later constituted, are to be placed under the control of the League (Article XXII).

In much of the public discussion in the United States since the proposed Covenant was published it has been assumed that the important matters to be committed to the bodies referred to above may be disposed of by those bodies absolutely as they will. That gives neither a fair reading of the words of the Covenant nor a correct interpretation of the expressed pur-

poses of the Commission which prepared the draft for the Peace Conference.

With reference to armament it is quite clear that the Executive Council is to make a program "for the consideration and action" of the several governments. There is nothing in the Covenant which indicates that any government gives up any control of its armament program until it has "adopted" the program of the Executive Council. *After such adoption*, the program shall not be exceeded without permission of the Executive Council (Article VIII). Surely, in any League that aims at peace the Covenant could hardly do less than bring together representatives of the several member-States to talk about their armaments and reach an agreement for reduction, if possible. If it be a violation of the Constitution for the United States to assent to the Covenant because of the armament clauses, then we have been violating the Constitution for one hundred years, during which time we have bound ourselves by an agreement with Great Britain to limit the armament on the Great Lakes.[4] When President Monroe communicated this treaty to the Senate, he stated that it was "in order to

[4] John Bassett Moore, *A Digest of International Law*, Vol. I, pp. 691 to 698.

avoid collision and save expense." Has it not accomplished both purposes?

The Commission which deals with colonial administration has power "to receive and examine" annual reports and to "assist" the League in assuring the observance of the terms of mandates (Article XIX). As to the mandates themselves, there is nothing that requires any State to be a mandatory against its will, and the terms under which it receives the mandate from the League would be a subject of treaty requiring its assent. If any State chooses to take a mandate under terms and conditions which make it administer the colony in trust, and make annual reports thereon, can any possible objection be raised?

The permanent Labor Bureau has no power of legislation. It, again, is a body designed to enable the member-States to carry out their Covenant to "endeavor to secure and maintain fair and humane conditions of labor" (Article XX); surely, a proper endeavor for any State! There is nothing in the Covenant which indicates that any member-State is bound by any action of the Labor Bureau until its own proper governmental bodies adopt the recommendations.

International bureaus, such as the Postal Union, come under the control of the League

only with the consent of all the parties to the treaty which established such bureaus (Article XXII). The wisdom of beginning to place these international bureaus upon a more dignified basis, where comparative studies of their successes and failures can be readily made, would seem to be obvious.

Some critics have assumed that the Body of Delegates and Executive Council can always act by a majority vote, and that their majority action upon all questions will be binding upon all member-States. The Body of Delegates and Executive Council can act by a majority of States represented at the meeting on "matters of procedure at meetings," including the appointment of committees (Article IV). Admission to the League of Nations of new members is permitted upon the assent of two-thirds of the States represented in the Body of Delegates (Article VII); and amendment of the Covenant is permitted upon ratification by three-fourths of the States represented in the Body of Delegates, including all the States represented on the Executive Council (Article XXVI). There are also special provisions in respect of settling disputes which we will refer to below. Other than these exceptions, what is there in the document which leads critics to think that action is to be other than unanimous?

It is unfortunate that the speeches of all the Peace Conferees with reference to the Covenant were not made available to the United States Senate. Much misapprehension might have been avoided by reading the following words of Lord Robert Cecil, spoken at the Peace Conference immediately after President Wilson's exposition of the Covenant:

> This is the great principle in all action, whether of the Executive Council, or of the body of delegates, except in very special cases and for very special reasons, which are set out in the Covenant—that all action must be unanimously agreed to in accordance with the general rule that governs international relations. That that will, to some extent, in appearance, at any rate, militate against the rapidity of action of the organs of the League is undoubted, but, in my judgment, that defect is far more than compensated by the confidence that it will inspire that no nation, whether small or great, need fear oppression from the organs of the League.

It would be well to provide expressly in the Covenant the general rule to which Lord Robert Cecil refers.[5] This matter should be made certain beyond peradventure, because such per-

[5] The general rule that action must be unanimous at international *conferences* is referred to in James B. Scott's *Reports to the Hague Conference*, p. 19. As M. Bourgeois expressed it: "We are here to unite, not to be counted."

manent bodies can be instruments of peace only if they avoid coercion. As former Secretary Root so well stated in his letter of instructions to the delegates to the Second Hague Conference:

> It is important to remember that the object of the Conference is agreement, and not compulsion. If such conferences are to be made occasions for trying to force nations into positions which they consider against their interests, the Powers cannot be expected to send representatives to them.

These various arrangements for international counsel to preserve peace and to avoid the misunderstanding which might lead to war, are, then, simply an acceptance of the principle of the Hague Conferences and a carrying on of the method of the Inter-Allied organizations which operated during the war.

SECOND: THE METHOD OF HANDLING DISPUTES BETWEEN STATES.

The proposed Covenant deals also with the method of handling disputes after they have arisen between States, and it is necessary to examine the limitations of freedom which in this respect are imposed upon the member-

States. The clauses which deal with this subject are contained in Articles XII to XVII, inclusive. A reading of all these clauses should make clear

(a) that all member-States accept the principle that disputes shall be thoroughly talked over before action is taken, and that trial by battle as a means of testing justice will be retarded as far as possible;

(b) that no member-State will go to war if the civilized world has unanimously expressed an opinion against the justice of its cause;

(c) that all member-States will subject to a boycott any State that resorts to war without first submitting its case to the opinion of the civilized world.

Many critics have discussed the Covenant as though a majority vote of the Body of Delegates, or of the Executive Council, could put the United States into a war, or forbid the United States going to war, or force the United States to boycott one or more States of the world. What does the Covenant say?

By Article XII it is agreed that should disputes arise between States which cannot be adjusted they will not go to war without sub-

mitting the question involved either to arbitration or inquiry by the Executive Council and until three months after the award or recommendation, and that they will not then resort to war against a member-State which complies with the award of the arbitrators or the recommendation of the Council. This Article must be read with Articles XIII, XIV, XV, and XVI, because these last-named Articles prescribe the manner of submitting to arbitration or inquiry, and the procedure of the Body of Delegates or Executive Council with reference to decisions when matters are submitted to inquiry.

Article XIII makes it clear that the member-States agree to submit to arbitration only those things which they recognize to be suitable for submission. Having submitted, they agree to abide by the award. But the other member-States do not agree to enforce the arbitral award. In the event of a failure to carry out the award, the Executive Council "shall propose" what steps can best be taken to give effect thereto. As to arbitration, then, this is not very formidable. It is to be hoped that before the adoption of the final draft of the Covenant an independent court (as proposed by Article XIV) may be incorporated as part of the Covenant, or at least that the im-

portant distinction that has been developing during the last few years between judicial and political questions may be preserved, the former type of controversy going to the Court and the latter type to the Executive Council.[6]

[6] We have already noted, p. 62 supra, the distinction between arbitration and mediation. Those who believe that the problem of peace is the problem of justice must regret any step which seems to minimize in any way the importance of settling international disputes, so far as possible, by judicial as opposed to diplomatic methods. On this point note former Secretary Root's instructions to the American Delegates to the Hague Conference of 1907, especially the following:

"There can be no doubt that the principal objection to arbitration rests not upon the unwillingness of nations to submit their controversies to impartial arbitration, but upon an apprehension that the arbitrations to which they submit may not be impartial. It has been a very general practice for arbitrators to act, not as judges deciding questions of fact and law upon the record before them under a sense of judicial responsibility, but as negotiators effecting settlements of the questions brought before them in accordance with the traditions and usages and subject to all the considerations and influences which affect diplomatic agents. The two methods are radically different, proceed upon different standards of honorable obligation and frequently lead to widely differing results. It very frequently happens that a nation which would be very willing to submit its differences to an impartial judicial determination is unwilling to subject them to this kind of diplomatic process. If there could be a tribunal which would pass upon questions between nations with the same impartial and impersonal judgment that the Supreme Court of the United States gives to questions arising between citizens of the different States, or between foreign citizens and the citizens of the United States, there can be no doubt that nations would be much more ready to submit their controversies to its decision than they are now to take the chances of arbitration."—James Brown Scott's *The Hague Conferences, American Instructions and Reports*, p. 79.

Article XV is a most important Article because of the extent to which it qualifies the broad language of Article XII. It is under this Article that all political disputes will fall. Matters not submitted to arbitration come before the Executive Council for investigation and consideration, and this is the procedure:

(1) If the Council through its mediation brings about a settlement of the matter it publishes a statement showing the nature of the dispute and the terms of settlement, with such explanation as may be appropriate. The particular controversy will then be closed and the publication would be for the purposes of the record and the proof to the world of the advantage of such submission and consequent settlement.

(2) If the dispute is not settled the Council will publish a report. If the report is unanimously agreed to by all members of the Council other than the parties in dispute, each party to the dispute agrees not to go to war against the other party if that other party complies with the recommendation in such unanimous report. There is no covenant of a member-State to comply with even a unanimous recommenda-

tion. If a member-State refuses to comply with such a recommendation the Council shall then propose measures to give effect to the recommendation.

(3) If no unanimous report is made the majority of the Council is obliged to make a report (and the minority has the privilege of making a report) stating what the facts are. But, failing unanimity, there is no obligation on either of the disputants to refrain from war.

(4) But note the important further qualification! The Executive Council may refer the case to the Body of Delegates, and must refer it if either party to the dispute so requests within fourteen days after the submission of the dispute. If thus referred to the whole Body of Delegates, then all the provisions of Article XII and Article XV apply to the action and powers of the Body of Delegates. Assuming that there are twenty-four members of the League and two disputants, again it would seem clear that all twenty-two of the disinterested States must unanimously come to a conclusion in order to bring into effect the agreement not to go to war against the party which

complies with such unanimous recommendation.

Article XVI provides that if any member-State resorts to war in violation of its covenants, contained in Article XII, it shall *ipso facto* be deemed to have committed an act of war against all other member-States; but the other member-States do not undertake to take up arms against the covenant-breaking State. They do undertake, however, to sever all trade or financial relations with the offending State, and to prohibit all intercourse between their nationals and the nationals of the offending State, and to prevent all financial, commercial or personal intercourse between the nationals of the offending State and the nationals of any other State, whether a member of the League or not. This amounts to making an outlaw of the offending State. Of course, no such boycott could ever be put into operation without causing a serious hurt to the boycotting, as well as to the boycotted, State. Article XVI, therefore, contains an agreement that the member-States will mutually support one another in distributing the loss. This would require specific action by each State, which, of course, would have to be authorized in accordance with the constitution and laws of the assenting States. Finally, it would seem that

this Article XVI marks the abolition of the whole theory of neutrality in those wars where the civilized world is fighting an international outlaw.

The obligations imposed upon the member-States with reference to the handling of international disputes might be summed up as follows:

(1) Each member-State agrees to talk things over before resorting to the sword;

(2) Each member-State agrees not to go to war against the expressed public opinion of the civilized world;

(3) Each member-State agrees to boycott a covenant-breaking State and make it an outlaw so far as possible;

(4) No member-State makes any covenant to wage war upon the command or direction of any foreign body, although the covenants expressly undertaken by it may well make it the honorable duty of its own proper governmental bodies to declare a war against an international wrong-doer.

THIRD: THE EFFECT OF THE COVENANT UPON THE TRADITIONAL FOREIGN POLICY OF THE UNITED STATES:

## THE SOCIETY OF FREE STATES

The traditional foreign policy of the United States is based upon Washington's Farewell Address, President Monroe's message of December 2, 1823, and the series of public declarations that have been built up around those two historic statements. This policy is generally referred to as the Monroe Doctrine, and at both Hague Conferences the United States accepted the conventions with the formal reservation which we quoted in a prior article. We think it fair to say that America understands by the Monroe Doctrine (1), not only a prohibition of European Powers from extending to the western hemisphere "their political system," but also (2) the broader policy of the political separation of the western from the eastern hemisphere, so far as that is possible. Let us consider the narrow and the broad view of the policy separately:

I—President Roosevelt, in his First Annual Message of December 3, 1901, stated the narrow view of the Monroe Doctrine when he referred to it as a declaration "that there must be no territorial aggrandizement by any non-American power at the expense of any American power on American soil." Ex-President Taft is quite right in saying that the proposed Covenant contains nothing to interfere with the Monroe Doctrine as thus narrowly stated.

In fact, Article X of the Covenant brings the European States into a specific contract "to respect and preserve as against external aggression" the political independence of all member-States.

II—But there is the broader sense in which the American people understand the Monroe Doctrine, that the United States shall not entangle itself in European political questions, and that non-American powers shall not interfere in governmental matters in this hemisphere. And it is in this sense that Senator Lodge in his speech in the Senate on February 28th speaks of the Monroe Doctrine, when he says:

> The real essence of that doctrine is that American questions shall be settled by Americans alone; that the Americas shall be separated from Europe and from the interference of Europe in purely American questions. That is the vital principle of the doctrine.

It must be frankly admitted that the acceptance of the Covenant will be a formal recognition of the ending of American isolation from world affairs. The entrance of the United States into any League of Nations must mean that the United States recognizes some interest

in the preservation of order in the world outside the western hemisphere. But is the acceptance by the United States of a place in world affairs any more than a recognition of a great historic fact? President Wilson in his address to the Senate on January 22, 1917, proposed that when peace should come the United States should "add their authority and their power to the authority and force of other nations to guarantee peace and justice throughout the world." A short time thereafter America entered the war. Two million American soldiers have been sent across the ocean by the United States Government—soldiers drawn from civil life by a universal military service law. They fought for what we all believe to be American ideals. The bodies of seventy thousand of them are resting in France. Is it possible to fairly discuss the traditional policy of "not intruding upon" the political questions of Europe without recognizing this great, overpowering fact? It will be urged that we do not want to make this war a precedent. Quite true! We want to do everything in our power to avoid sending soldiers to Europe again. The chief purpose of the new organization of the Society of States is to prevent a recurrence of the events which forced us to go to Europe. There has been much discussion as to whether we went to war

for America or for humanity! We went to war for both! We went to war, not because we had become a warlike people, not because we had a quixotic desire to take care of the whole world; but because we could not avoid war, because we were part of a Society of States, and the violent wrong that was being done to other members of that Society was also a violent wrong to us which threatened our whole future life. America's aim has not been better stated than in the President's fourteen-point speech:

> What we demand in this war, therefore, is nothing peculiar to ourselves. It is that the world be made fit and safe to live in; and particularly that it be made safe for every peace-loving nation which, like our own, wishes to live its own life, determine its own institutions, be assured of justice and fair dealing by the other peoples of the world as against force and selfish aggression.

The United States had, then, so great an interest in the affairs of Europe that it rightly went into the war. It has the same interest to prevent a repetition of that war. The United States wishes to live its own life; it will insist upon determining its own institutions; but it cannot live its own life and determine its own institutions if the globe upon which it lives—constantly growing smaller with the advance

of science—is to be frequently interrupted by world struggles of the kind that we have just passed through. It is for that reason that representatives of the United States are now participating in the counsels of the world, trying to formulate acceptable improvements in the rules of the Society of States.

Yet there is another aspect. The clauses of the proposed Covenant which contemplate that our own disputes with our American neighbors may be investigated through the machinery of the League of Nations should give little cause for disapproval. We have already agreed in the Bryan treaties to submit our quarrels with them to arbitration or inquiry, and it is not particularly important what fair tribunal we choose. Is our disquiet not due to a different reason? May it not be distasteful to Americans —in the light of their traditions—to contemplate in practice the enforcement of the recommendations of the League in the western hemisphere by European Powers? And is it not equally distasteful to contemplate the sending of American soldiers to some temporary broil in the Balkans or in Poland or in Russia? To stem a world cataclysm, America has proved with her dead that she will not shrink from such contingencies. But the men and women of the country would feel easier in having the

United States accept the proposed Covenant if it were known that military enforcement should be dealt with, in the first instance, in world compartments. The disputed issue might still be tried in the light of the public opinion of the whole world, but when enforcement of the decision became necessary, the States of the western hemisphere, including the United States, might well have the initial responsibility to quell breaches of international peace in this hemisphere, the European and Asian States having only a secondary obligation here; and similarly, breaches of international peace in the eastern hemisphere might be dealt with in the first instance by the States of that hemisphere, the American States having only a secondary obligation in those theaters.[7] There would seem to be little doubt that this would be the rule in practice, even as the Covenant is drawn, but it would be well to make an express provision with reference to this point in the Covenant.

This discussion is intended as an aid to comprehension of the problems which the Covenant raises rather than a detailed analysis of every

[7] On the Monroe Doctrine see John Bassett Moore's *Principles of American Diplomacy*, especially Chaps. VI and X; Albert Bushnell Hart's *Monroe Doctrine and Interpretations;* John W. Foster, *A Century of American Diplomacy*, Chap. XII; "Cosmos," *The Basis of a Durable Peace*, Chap. XV.

section. Arrangement, phraseology, and certain special matters, though of importance, are not dealt with. It may, for instance, well be questioned whether the undertaking in Article X should be unlimited either as to the territorial boundaries affected or as to the time that the obligation is to last. The justice of the territorial boundaries of the new States, however well the Peace Conferees may do their work, must remain problematical until experience proves the wisdom of the work of this generation. It is to be noted, however, that the undertaking given by Article X is not against external *attack*, but only against external *aggression*. What is *aggression?* It was probably the intention of the draftsmen that all of the procedure of Articles XII to XVI should come into force in connection with this Article X. This, however, is not clear. May it not also be urged that Article XXI, which deals with freedom of transit and equitable treatment for commerce, is too vague? This article seems designed primarily to relieve the commercial handicaps of those whose property has been devastated by the war. While it undoubtedly contemplates a further treaty, or treaties, in order to make the "provision" which will accomplish the ends aimed at in the Article, it may well be that inability to agree upon the terms of such treaty, or

treaties, will lay the United States open to a charge of bad faith. The provisions of Article XVI, dealing with the prevention of financial, commercial or personal intercourse between nationals of a Covenant-breaking State and the nationals of any other State, should be clarified. Article XVIII, which is evidently designed to deal with trade in munitions with backward or belligerent countries, might better be incorporated in Article VIII. Very careful consideration should be given to the suggestions of ex-President Taft that the obligations of the whole Covenant should be limited to a fixed period or that member-States should have a right of withdrawal upon a proper notice. It need not be feared that this will interfere with a permanent advance in international organization and friendship. There is a right of withdrawal from the Universal Postal Union by a notice of one year; and it has not been found detrimental. An exhaustive, non-partisan debate in the Senate upon all of these points would be most helpful.

One thing more. It may be urged that if the Covenant does not create a World-State with an international army, and if the various international bodies which the Covenant contemplates have no greater power than the fore-

going analysis would indicate, what then is the advantage of the League? Does not such a question ignore the fundamental problem of the Peace Conferees? They cannot create a World-State. Not only the teachings of history, but the deep desires of their peoples forbid them. They must preserve the national States. In the conflict between national independence and world-order they are compelled to throw the weight on the side of national independence. The peace of the world cannot be reached by a return to the ideal of the universal peace of force. The peace that is sought is a peace of justice, not a peace of force. The universal peace must come through the proper development of the free national States, and through the voluntary recognition by those national States that they are members in a Society of States. That voluntary recognition of international duties is the thing that has been sadly lacking. For three hundred years the world has been trying to get a rational understanding of State-sovereignty. If that phrase means that each State in its external relations has the *right* to do whatever it has the *power* to do, it is to be hoped that the defeat of Germany has marked the end of the doctrine... The value of the League is in the recognition of the fact, formally expressed in Article XI, that hereafter civilized

States are to pay some attention to that "good understanding between nations" upon which a just peace must necessarily depend, and the recognition also in the same Article of the fact—made clear by the war—that "any war, or threat of war," is a matter of concern to all.

Viewing the Covenant, then, in its broad purposes, two main points stand forth:

First: The Covenant starts right. It recognizes that wars are due largely to misunderstandings; that the prevention of the growth of distrust is the vital need of the world; and it creates an organization for constant common counsel, designed to prevent distrust.

This is in line with the President's words of July 20, 1916:

> Permanent peace can grow in only one soil. That is the soil of actual good will, and good will cannot exist without mutual comprehension.[8]

---

[8] Bernard Bosanquet makes this interesting comment upon the way wars begin:

> "What we want, as I hold, is to see not how devilish the thing is in the end, but how simple and natural it is in the beginning, and how just as simply and naturally its avoidance might come. It is the typical 'misunderstanding,' and we know that a 'misunderstanding' is the euphemism for a quarrel, and, it may be, for a very nasty one. A hundred million people are resolved to march south at a given hour on given narrow roads; and another hundred million to march north on the same roads at the same time. Nobody need be devilish on either side. They do not want a collision; they merely

SECOND: The Covenant very properly avoids any effort to create an international sheriff, but relies mainly upon retarding States on the way to war. And to accomplish this purpose it creates machinery designed to secure the widest publicity and the focusing upon the controversy of the public opinion of the whole civilized world.

This is in accord with the pledge of the President in his speech of September 2, 1916:

> The nations of the world must unite in joint guarantees that whatever is done to disturb the whole world's life must first be tested in the court of the whole world's opinion before it is attempted.

The reliance of the proposed Covenant upon the operation of these two main principles broadly distinguishes it from any previous combination of nations to prevent war. It is in this reliance that this Covenant gives promise of bringing about an international relationship by which each State may be left unhampered to

---

want to do exactly what they have set their hearts on doing. But a frightful collision must ensue. Then, of course, when they are on the roads, and can see no way round, they will become devilish.

Of course there is always a way round, if we look out for it in time. But stupidity prevents us. Nations are not alert, not sensitive, to the minds and needs of other nations; they do not realize where others want to go and why; nor how their own direction can be modified in harmony with the others', and yet none of their really essential aims be sacrificed."—Bernard Bosanquet, *Some Suggestions in Ethics*, pp. 243–244.

express its own national life and at the same time may formally recognize that it is only one of a number of States, all of which have equal rights to exist upon the same globe, that each one must respect the rights of the others and have enough confidence in its own rights to be willing to submit them to the informed public opinion of the civilized world.

## BIBLIOGRAPHY

The text of the peace Covenant is printed in this volume as an appendix.

The speeches of the members of the Peace Conference upon the submission of the draft of the Covenant to the Plenary meeting of the Conference appear in full in the London *Times* of February 17, 1919. They include speeches by President Wilson, Lord Robert Cecil, Signor Vittorio Orlando, M. Bourgeois, Baron Makino, George Nicoll Barnes, Eleutherios Venizelos, Wellington Koo and Rustem Haida.

For the speeches in the United States Senate upon the Covenant, see *Congressional Record*, Vol. 57; Senator Poindexter, pp. 3930–3940; Senator Borah, pp. 4252–4256; Senator Reed, pp. 4201–4208; Senator Frelinghuysen, pp. 4798–4802; Senator Lewis, pp. 4948–4956; Senator Cummins, pp. 4526–4532; Senator Owen, pp. 4537–4542; Senator Hitchcock, pp.

4672–4676; Senator Lodge, pp. 4745–4753; Senator Lenroot, pp. 4794–4798; Senator Knox, pp. 4918–4925; Senator Hardwick, pp. 4930–4936; Senator Sherman, pp. 5108–5114; Senator McCumber, pp. 5117–5127; Senator Spencer, pp. 5133–5134.

What purports to be a full record of the speech of ex-President Taft delivered at the meeting in the Metropolitan Opera House, New York City, March 4th, appears in the New York *Herald* of March 5, 1919.

The New York *Evening Post* of March 8, 1919, contains an analysis of the Covenant by former Attorney-General George W. Wickersham.

The New York *Times* of March 12, 1919, contains a statement of former Secretary of State William J. Bryan, suggesting some amendments to the Covenant.

The New York *Times* of March 20, 1919, contains the speeches of Senator Lodge, of Massachusetts, and President Lowell, of Harvard, in the debate held in Boston on Thursday, March 19, 1919.

# X

## CONCLUSION

IN this series of articles we have discussed some of the more important phases of the "League of Nations idea." Seven and one-half million men have been killed in the great war, and many more have been permanently maimed. The great tragedy of to-day has brought to the people of the world, as similar tragedies have done in the past, a deep desire to prevent, so far as may be humanly possible, recurrence of such a ghastly misdirection of human energy. There is always a great temptation to any generation to forget the experience of its fathers, to assume that the ills of the world—so many of which lie deep in our own natures—can be cured by short-cut methods. It has, therefore, seemed worth while to review with some care the efforts of past generations to attain a durable peace.

We have seen that almost all of the so-called "peace plans" have been based upon the assumption that men could do away with war

by merely agreeing to do away with it. Especially is this true of the plans made in the days of the dynasties. Emeric Crucé thought war would cease if the princes would only so will it. "Only let peace be published By the Orders of the King. These words will make their arms drop from their hands." And William Penn considered war "duels of princes." It is the princes who quarrel about precedency; therefore get them together in a round room with "divers doors to come in and go out at" in order that questions of precedence may be avoided. How little stress these early plans laid upon human nature!

But while the makers of the peace plans were dealing with human nature as it ought to be, the diplomatists and jurists were dealing with human nature as it is. For three hundred years the rules of international law have been slowly building. They have been violated time and time again, but no physical force in the world has been strong enough to stop completely the development of law. And after each war men have availed of the temper of mankind to make a slight advance in international fair play. In this great work of advancing the principle of peaceful settlement of disputes, the United States has taken an honorable part.

We have also reviewed some great forces of human relationship that have been drawing the world closer together, unaffected by the plans of the statesmen and the peace visions of the seers—the work of the scientists and the commercial men. We have also discussed the cooperative effort forced upon the enemies of Germany by the exigencies of the great war, and we have pointed out that, even when States were fighting for their lives, it was not possible to weld the separate allied States into one, that they still remained separate States acting in unison only when, after complete comprehension of the facts, the proposed action was agreeable to all.

After reviewing the forces that have brought the world together, we have considered the spirit of nationality, which has been so potent an element in the development of the separate States during the past three hundred years, and especially during the last one hundred years. The fact that this strong spirit of nationality has been a divergent force must not blind us to its beneficent influence in the world to-day. In the United States we all hope to see an increase in our national spirit. We are busy with plans for Americanization. We want to pay more attention to the welcoming and the assimilation of the immigrant. We

have been awed by the sight of men who could not even speak our tongue marching cheerfully to conscription camps and dying bravely on the fields of France under American leadership and for the fundamental principles of American life. The world cannot afford to weaken the proper spirit of nationality, for it is the spirit of patriotism, the spirit of subordinating one's own interest to the interest of the State. We must keep and develop the spirit of nationality; but, if civilized States are not to go on destroying one another, we must begin to reconcile it with world order.

We have seen that the problem of reconciling liberty with order is the oldest problem with which social man has struggled, and that the present effort to reconcile national self-government with world order is a part of that same problem. It may well be the last problem that man will completely solve, but we must agree that the difficulty of the solution and the remoteness of the final goal do not relieve any generation from doing all that it can to advance the race toward that goal.

Finally, we have discussed the draft of the Covenant, which is the effort of the Committee of the Peace Conference to advance the work of reconciliation. And if we have read the proposed Covenant aright, it was the intention of

the Committee to put limitations upon the separate States only in those cases where their external activities might bring the whole Society of States again into world disorder. We have seen that the Covenant seeks to accomplish this (1) by arranging bodies of common counsel with very little practical power except to discuss and recommend, and (2) by putting a long period of discussion in the pathway of disputant States before they go to war.

How will the American people approach their consideration of the Covenant?

In the first place, let us not forget that it is the report of a Committee, and that it is now before the world in order to secure the sober opinion of mankind. There could have been no reason for publishing it before its adoption by the whole Conference except to secure in all countries the fullest discussion of all its terms. It is not only the privilege but the duty of all to endeavor to improve it and to assume that the Peace Conference will desire improvement of any or all of its terms.

At the same time it must be remembered that the Covenant as submitted has been assented to by the representatives of fourteen States, speaking at least eight different languages. It may be true that there are men in America or in England or in France or in other

countries who could draw a better plan. There would still be a question to be answered. Would their plan have as good a chance of adoption? Let us remember that, as the President stated when he submitted the Covenant to the Peace Conference, the men sitting around the peace table represented twelve hundred million human beings. Surely not a small number to bring into agreement! In discussing the plan, therefore, is it not our duty to try to improve this plan, rather than to attempt to devise a new one which must start again from the beginning?

After the Peace Conference has finally adopted the Covenant in an amended form, it will come before the several States of the world for ratification. The problem that will present itself at that time will not be simply whether we do or do not approve of the Covenant. The problem will then be an alternative. Are the new rules of the Society of States preferable to the present chaotic rules? Might it not be well for men to avoid doing anything now which would make it difficult for them to act with unbiased minds upon the alternative that then presents itself? On this we may learn something from Benjamin Franklin, the oldest and perhaps the wisest member of the Constitutional Convention of 1787. At the

end of that historic meeting in Philadelphia he said: "I confess that there are several parts of this constitution which I do not at present approve, but I am not sure I shall never approve them: For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise."[1] When the alternative of accepting or rejecting the Covenant is finally presented to us it is unlikely that all of the amendments that we desire will have been incorporated. Must we not remember that with the number of States involved there must be considerable give and take? In the New York State Convention called to ratify the Federal Constitution, Alexander Hamilton said: "Let a convention be called tomorrow; let them meet twenty times, nay, twenty thousand times; they will have the same difficulties to encounter, the same clashing interests to reconcile."[2] It will be even so in this case!

One thing we may all agree upon! The motives of the proponents or opponents of the Covenant as it is finally drawn will be of very little importance. Surely, it is the duty of all

[1] *Documentary History of the Constitution* (1900), III, p. 761.
[2] Elliott's *Debates*, Vol. II, p. 236.

reasonable men to avoid the assumption that those on the other side have motives less disinterested than their own. What does it avail to say that the President is promoting the League to secure a local partizan advantage? Is it not equally bootless to accuse members of the United States Senate of opposing the Covenant from partisan motives? It is of the highest importance that the United States Senate, the constitutional branch of our government charged by the people with approving or disapproving the ultimate treaty which is made at Paris, should discuss the peace Covenant with the utmost thoroughness and consider its effect from every angle upon the future of the American nation. Whatever may be true of other races, the Anglo-Saxon race has not yet found any method of discovering political truth or error that compares with courteous controversy in public. By all means, then, let us have the fullest discussion in the United States Senate, in the press, in the pulpit, in the schools, and in all public meeting-places. The temper of that discussion will be a great test of our capacity as a self-governing people. Will we be able to keep in mind the advice of Alexander Hamilton, in the first number of the *Federalist*, that "in politics, as in religion, it is equally absurd to aim at making proselytes by fire and

sword. Heresies in either can rarely be cured by persecution."

Will the Covenant make war impossible? No one can know. We cannot write anything on parchment that will make men trust other men. Before universal peace comes men must desire it. Men must not only desire agreement with their fellows, but must be willing to exert themselves to get the truth about their fellows, without which agreement is impossible. That is one of the strong points of the proposed Covenant—it at least creates some organization designed to enable men in different States to understand one another a little better. But whatever structure we create, we must expect that there will be differences between men to-morrow as there are to-day and as there were yesterday. A permanent and universal peace may still be far distant. How far no man can tell.

The ambitions of great men, the suspicions of little men, the constant misunderstandings of all men, may undermine any structure that this generation builds. If, however, we build with wisdom, and with courage, and with patience, those that come after us will be helped by our work. Our building may fall, but if we have built aright some of the foundation-stones will remain and become a part of the structure that will ultimately abide.

# APPENDIX

## TEXT OF THE DRAFT OF COVENANT SUBMITTED TO THE PEACE CONFERENCE ON FEBRUARY 14, 1919, BY THE LEAGUE OF NATIONS COMMITTEE[1]

### THE COVENANT

#### PREAMBLE

IN order to promote international co-operation and to secure international peace and security by the acceptance of obligations not to resort to war, by the prescription of open, just, and honorable relations between nations, by the firm establishment of the understandings of international law as the actual rule of conduct among governments, and by the maintenance of justice and a scrupulous respect for all treaty obligations in the dealings of organized peoples with one another, the powers signatory to this covenant adopt this constitution of the league of nations.

---

[1] The text of the draft of the Covenant as reprinted here was taken from the *Congressional Record*, Vol. 57, pp. 3559 to 3562, February 15, 1919.

# APPENDIX

## ARTICLE I

The action of the high contracting parties under the terms of this covenant shall be effected through the instrumentality of meeting of a body of delegates representing the high contracting parties, of meeting at more frequent intervals of an executive council, and of a permanent international secretariat to be established at the seat of the league.

## ARTICLE II

Meetings of the body of delegates shall be held at stated intervals and from time to time as occasion may require for the purpose of dealing with matters within the sphere of action of the league. Meetings of the body of delegates shall be held at the seat of the league or at such other place as may be found convenient, and shall consist of representatives of the high contracting parties. Each of the high contracting parties shall have one vote, but may not have more than three representatives.

## ARTICLE III

The executive council shall consist of representatives of the United States of America, the British Empire, France, Italy, and Japan, together with representatives of four other States, members of the league. The selection of these four States shall be made by the body of delegates on such principles and in such manner as they think fit. Pending the appointment of these representatives of the other States, representatives of —— shall be members of the executive council.

Meetings of the council shall be held from time to time as occasion may require, and at least once a year, at whatever place may be decided upon, or, failing in any such decision, at the seat of the league, and any matter within the sphere of action of the league or affecting the peace of the world may be dealt with at such meetings.

Invitations shall be sent to any power to attend a meeting of the council at which matters directly affecting its interests are to be discussed, and no decision taken at any meeting will be binding on such powers unless so invited.

ARTICLE IV

All matters of procedure at meetings of the body of delegates or the executive council, including the appointment of the committees to investigate particular matters, shall be regulated by the body of delegates or the executive council, and may be decided by a majority of the States represented at the meeting.

The first meeting of the body of delegates and of the executive council shall be summoned by the President of the United States of America.

ARTICLE V

The permanent secretariat of the league shall be established at ——, which shall constitute the seat of the league. The secretariat shall comprise such secretaries and staff as may be required, under the general direction and control of a secretary-general of the league, who shall be chosen by the executive

council; the secretariat shall be appointed by the secretary-general, subject to confirmation by the executive council.

The secretary-general shall act in that capacity at all meetings of the body of delegates or of the executive council.

The expenses of the secretariat shall be borne by the States members of the league in accordance with appointment of the expenses of the International Bureau of the Universal Postal Union.

ARTICLE VI

Representatives of the high contracting parties and officials of the league when engaged on the business of the league shall enjoy diplomatic privileges and immunities, and the buildings occupied by the league or its officials or by representatives attending its meetings shall enjoy the benefits of extraterritoriality.

ARTICLE VII

Admission to the league of States not signatories to the covenant and not named in the protocol hereto as States to be invited to adhere to the covenant requires the assent of not less than two-thirds of the States represented in the body of delegates, and shall be limited to fully self-governing countries, including dominions and colonies.

No State shall be admitted to the league unless it is able to give effective guaranties of its sincere intention to observe its international obligations, and unless it shall conform to such principles as

may be prescribed by the league in regard to its naval and military forces and armaments.

ARTICLE VIII

The high contracting parties recognize the principle that the maintenance of peace will require the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations, having special regard to the geographical situation and circumstances of each State; and the executive council shall formulate plans for effecting such reduction. The executive council shall also determine for the consideration and action of the several Governments what military equipment and armament is fair and reasonable in proportion to the scale of forces laid down in the program of disarmament, and these limits, when adopted, shall not be exceeded without the permission of the executive council.

The high contracting parties agree that the manufacture by private enterprise of munitions and implements of war lends itself to grave objections, and direct the executive council to advise how the evil effects attendant upon such manufacture can be prevented, due regard being had to the necessities of those countries which are not able to manufacture for themselves the munitions and implements of war necessary for their safety.

The high contracting parties undertake in no way to conceal from each other the condition of such of their industries as are capable of being adapted to warlike purposes or the scale of their armaments,

and agree that there shall be full and frank interchange of information as to their military and naval programs.

ARTICLE IX

A permanent commission shall be constituted to advise the league on the execution of the provisions of article 8 and on military and naval questions generally.

ARTICLE X

The high contracting parties undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all States members of the league. In case of any such aggression, or in case of any threat or danger of such aggression, the executive council shall advise upon the means by which the obligation shall be fulfilled.

ARTICLE XI

Any war, or threat of war, whether immediately affecting any of the high contracting parties or not, is hereby declared a matter of concern to the league, and the high contracting parties reserve the right to take any action that may be deemed wise and effectual to safeguard the peace of nations.

It is hereby also declared and agreed to be the friendly right of each of the high contracting parties to draw the attention of the body of delegates or of the executive council to any circumstances affecting international intercourse which threaten to disturb international peace or the good understanding between nations upon which peace depends.

ARTICLE XII

The high contracting parties agree that should disputes arise between them which cannot be adjusted by the ordinary processes of diplomacy they will in no case resort to war without previously submitting the question and matters involved either to arbitration or to inquiry by the executive council and until three months after the award by the arbitrators or a recommendation by the executive council; and that they will not even then resort to war as against a member of the league which complies with the award of the arbitrators or the recommendation of the executive council.

In any case under this article, the award of the arbitrators shall be made within a reasonable time, and the recommendation of the executive council shall be made within six months after the submission of the dispute.

ARTICLE XIII

The high contracting parties agree that whenever any dispute or difficulty shall arise between them which they recognize to be suitable for submission to arbitration and which cannot be satisfactorily settled by diplomacy, they will submit the whole matter to arbitration. For this purpose the court of arbitration to which the case is referred shall be the court agreed upon by the parties or stipulated in any convention existing between them. The high contracting parties agree that they will carry out in full good faith any award that may be rendered. In the event of any failure to carry out the

award, the executive council shall propose what steps can best be taken to give effect thereto.

ARTICLE XIV

The executive council shall formulate plans for the establishment of a permanent court of international justice, and this court shall, when established, be competent to hear and determine any matter which the parties recognize as suitable for submission to it for arbitration under the foregoing article.

ARTICLE XV

If there should arise between States, members of the league, any dispute likely to lead to rupture, which is not submitted to arbitration as above, the high contracting parties agree that they will refer the matter to the executive council; either party to the dispute may give notice of the existence of the dispute to the secretary-general, who will make all necessary arrangements for a full investigation and consideration thereof. For this purpose the parties agree to communicate to the secretary-general, as promptly as possible, statements of their case with all the relevant facts and papers, and the executive council may forthwith direct the publication thereof.

Where the efforts of the council lead to the settlement of the dispute, a statement shall be published indicating the nature of the dispute and the terms of settlement, together with such explanations as may be appropriate. If the dispute has not been settled, a report by the council shall be published, setting forth with all necessary facts and explanations the recommendation which the council thinks

just and proper for the settlement of the dispute. If the report is unanimously agreed to by the members of the council other than the parties to the dispute, the high contracting parties agree that they will not go to war with any party which complies with the recommendations, and that if any party shall refuse so to comply the council shall propose measures necessary to give effect to the reason. If no such unanimous report can be made, it shall be the duty of the majority and the privilege of the minority to issue statements indicating what they believe to be the facts and containing the reasons which they consider to be just and proper.

The executive council may in any case under this article refer the dispute to the body of delegates. The dispute shall be so referred at the request of either party to the dispute, provided that such request must be made within fourteen days after the submission of the dispute. In any case referred to the body of delegates all the provisions of this article and of article 12 relating to the action of the executive council shall apply to the action and powers of the body of delegates.

### ARTICLE XVI

Should any of the high contracting parties break or disregard its covenants under article 12 it shall thereby *ipso facto* be deemed to have committed an act of war against all the other members of the league, which hereby undertake immediately to subject it to the severance of all trade or financial relations, the prohibition of all intercourse between their nationals and the nationals of the covenant-

breaking State, and the prevention of all financial, commercial, or personal intercourse between the nationals of the covenant-breaking State and the nationals of any other State, whether a member of the league or not.

It shall be the duty of the executive council in such cases to recommend what effective military or naval forces the members of the league shall severally contribute to the armed forces to be used to protect the covenants of the league.

The high contracting parties agree further that they will mutually support one another in the financial and economic measures which may be taken under this article, in order to minimize the loss and inconvenience resulting from the above measures, and that they will mutually support one another in resisting any special measures aimed at one of their number by the covenant-breaking State, and that they will afford passage through their territory to the forces of any of the high contracting parties who are co-operating to protect the covenants of the league.

### ARTICLE XVII

In the event of disputes between one State member of the league and another State which is not a member of the league, or between States not members of the league, the high contracting parties agree that the State or States not members of the league shall be invited to accept the obligations of membership in the league for the purposes of such dispute, upon such conditions as the executive council may deem just, and upon acceptance of

any such invitation the above provisions shall be applied with such modifications as may be deemed necessary by the league.

Upon such invitation being given the executive council shall immediately institute an inquiry into the circumstances and merits of the dispute and recommend such action as may seem best and most effectual in the circumstances.

In the event of a power so invited refusing to accept the obligations of membership in the league for the purposes of such dispute, and taking any action against a State member of the league which in the case of a State member of the league would constitute a breach of article 12, the provisions of article 16 shall be applicable as against the State taking such action.

If both parties to the dispute, when so invited, refuse to accept the obligations of membership in the league for the purposes of such dispute, the executive council may take such action and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

### ARTICLE XVIII

The high contracting parties agree that the league shall be intrusted with general supervision of the trade in arms and ammunitions with the countries in which the control of this traffic is necessary and in the common interest.

### ARTICLE XIX

To those colonies and territories which as a consequence of the war have ceased to be under the

sovereignty of the States which formerly governed them, and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in the constitution of the league.

The best method of giving practical effect of this principle is that the tutelage of such people should be intrusted to advanced nations who, by reason of their resources, their experience, or their geographical position, can best undertake this responsibility, and that this tutelage should be exercised by them as mandatories on behalf of the league.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions, and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognized, subject to the rendering of administrative advice and assistance by a mandatory power until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the mandatory power.

Other peoples, especially those of Central Africa, are at such a stage that the mandatory must be responsible for the administration of the territory, subject to conditions which will guarantee freedom of conscience or religion, subject only to the main-

tenance of public order and morals, the prohibition of abuses, such as the slave trade, the arms traffic, and the liquor traffic, and the prevention of the establishment of fortifications or military and naval bases, and of military training of the natives for other than police purposes and the defense of territory, and will also secure equal opportunities for the trade and commerce of other members of the league.

There are territories, such as southwest Africa and certain of the South Pacific isles, which, owing to the sparseness of their population, or their small size, or their remoteness from the centers of civilization, or their geographical continuity to the mandatory State, and other circumstances, can be best administered under the laws of the mandatory State as integral portions thereof, subject to the safeguards above mentioned in the interests of indigenous population.

In every case of mandate the mandatory State shall render to the league an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the mandatory State shall, if not previously agreed upon by the high contracting parties in each case, be explicitly de fined by the executive council in a special act or charter.

The high contracting parties further agree to establish at the seat of the league a mandatory commission to receive and examine the annual reports of the mandatory powers, and to assist the league in insuring the observance of the terms of all mandates.

# APPENDIX

## ARTICLE XX

The high contracting parties will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries, and in all countries to which their commercial and industrial relations extended; and to that end agree to establish as part of the organization of the league a permanent bureau of labor.

## ARTICLE XXI

The high contracting parties agree that provision shall be made through the instrumentality of the league to secure and maintain freedom of transit and equitable treatment for the commerce of all States members of the league, having in mind, among other things, special arrangements with regard to the necessities of the regions devastated during the war of 1914–1918.

## ARTICLE XXII

The high contracting parties agree to place under the control of the league all international bureaus already established by general treaties if the parties to such treaties consent. Furthermore, they agree that all such international bureaus to be constituted in future shall be placed under the control of the league.

## ARTICLE XXIII

The high contracting parties agree that every treaty or international engagement entered into hereafter by any State member of the league shall be forthwith registered with the secretary-general

and as soon as possible published by him, and that no such treaty or international engagement shall be binding until so registered.

ARTICLE XXIV

It shall be the right of the body of delegates from time to time to advise the reconsideration by State members of the league of treaties which have become inapplicable and of international conditions of which the continuance may endanger the peace of the world.

ARTICLE XXV

The high contracting parties severally agree that the present covenant is accepted as abrogating all obligations *inter se* which are inconsistent with the terms thereof, and solemnly engage that they will not hereafter enter into any engagements inconsistent with the terms thereof. In case any of the powers signatories hereto or subsequently admitted to the league shall before becoming a party to this covenant have undertaken any obligations which are inconsistent with the terms of this covenant, it shall be the duty of such power to take immediate steps to procure its release from such obligations.

ARTICLE XXVI

Amendments to this covenant will take effect when ratified by the States whose representatives compose the executive council and by three-fourths of the States whose representatives compose the body of delegates.

# INDEX


Abbé de St. Pierre, 24–29.
Adams, John Quincy, Secretary of State, 87.
Aix-la-Chapelle, Conference of, in 1818, 42 to 46; Treaty of, in 1748, 59.
Alexander I of Russia, Effect of French Revolution on, 34; Czartoryski instructions to Pitt, 35 to 37; Quadruple Alliance, 38, 41, 42, 49; Holy Alliance, 41; influence of Metternich on, 47.
Alliance, European, 12 *n.*; Holy, 41, 42, 49; Quadruple, 38, 41, 42, 49; Quintuple, 44, 49; Triple, 49.
Allied, Economic Council, 117; Food Council, 117; Maritime Transport Council, 109–115, 117.
Amalgamation, by force, 4; by agreement, 4; of States, 3, 4.
America, enters war, 102; liberal credits, 103; a nation, 122.
*American Addresses at the Second Hague Conference*, 77.
American Mission to Paris in 1917, 103.
Arbitration, 118, 170, 171 *n.*, 172; Court of, 12 *n.*, 71; international 61–71.
Armaments, 161, 163, 164.
Asquith, Mr., quoted, 5, 6.
Aumale, Duc d', 125.

"Balance of Power," 59.
Balch, Thomas Willing, translator of Emeric Crucé, 13 *n.*; *A World Court in the Light of the United States Supreme Court*, 77.
Balkan States, new boundaries, 60; religious freedom, 61.
Bassett, J. S., *The Lost Fruits of Waterloo*, 51.
Bazaine, surrender, 125.
Beard, Ogg and, *National Governments and the World War*, 33.
Bentham, Jeremy, plan for universal peace, 30, 31 *n.*.

Berlin, Congress of, 1878, 53, 60, 61.
Bernard, Mountague, *Lectures on Diplomacy*, 59 *n.*
Berne, Postal Bureau at, 90–92.
Bismarck, 133; quoted, 75.
Bosanquet, Bernard, *The Philosophical Theory of the State*, 155; quoted, 185–186 *n.*
Bourgeois, M., on Covenant, 158.
Bridgman, Raymond L., *The First Book of World Law*, 98.
Bryan, treaties, 73, 180; on draft of Covenant of February 14, 1919, 188.
Bryce, Viscount James, on nationality, 120, 121, 122 *n.*; *Essays and Addresses in Wartime*, 11, 135; address before British Academy, 151; on League of Nations, 153.
Bureaus, international, 163.

*Cambridge Modern History, The*, 51.
Canada, International Joint Commission of the United States and, created, 88, 89.
Castlereagh and Confederation, 40–48.
*Castlereagh, Correspondence, Despatches, and Other Papers, The, of Viscount*, 46 *n.*, 51.
Catherine II, Empress, quoted, 37, 38.
Cavour at Congress of Paris in 1856, 60.
Cecil, Lord Robert, 109; on Covenant, 159, 167.
Charlemagne, King of the Franks, 123, 124, 133.
Chaumont, Treaty of, 39; renewal, 40, 41; agreement, 41.
Choate, Joseph H., on arbitration treaties, 67; *The Two Hague Conferences*, 67 *n.*, 77.
*Civilization, Western, in Its Economic Aspects*, 136.
Clay, Henry, Secretary of State, 87.
Clementel, M. Etienne, 109.
Coal, arrangements for French and Italian, by Allied Maritime Transport Council, 114–115.
Collins, Sir William, "A League of Nations," 33.
Commerce, relation to world peace, Crucé's view, 13.
Commercial revolution, 13, 127.
Commission Internationale de Ravitaillement, 100, 101, 102, 103.
Commissions of inquiry, international, 63, 71.
Competition, combination and, Kant on, 141, 142;

William Graham Sumner on, 142 *n.*
Confederation of Europe, 34 to 51.
*Confederation of Europe*, 33.
Conferences, Hague, 69, 168, 176.
Conferences, European, from 1648 to 1878, 60, 61; international American, 69, 70.
*Congress of Nations, Essay on a*, 33.
Co-operation, 118, 191; lesson of, 100; international, 10, 159.
*Correspondence, Despatches, and Other Papers of Viscount Castlereagh, The*, 46 *n.*, 51.
Councils, Economic, 117; Food, 117; Maritime Transport, 109–113, 117.
Court of Arbitration, 12 *n.*, 71; independent, 170.
Covenant, Draft of Feb. 14, 1919, 156–188; power, 156; organization, 161–168; M. Bourgeois on, 158; Body of Delegates, 162, 166, 169, 170, 173; Executive Council, 162, 163, 164, 166, 167, 169, 170, 171, 172, 173; Lord Robert Cecil on, 159, 167; Secretariat, 162; commission on armaments and military and naval questions, 163; Bureau of Labor, 163, 165; international bureaus, 163; commission on colonial administration, 163, 165; handling disputes, 168–175, 180, 181; effect on foreign policy of United States, 175–187; suggested amendments, 166, 170–171, 180–181, 181–183; speeches in U. S. Senate on, 187, 188; text of, 198–212.
Cromer, Earl of, *Modern Egypt*, 98.
Crucé, Emeric, peace plans, 12–17, 190.
Cummins, Senator, quoted, 82, 83.
Cunningham, W., *Western Civilization in its Economic Aspects*, 136.
Customs and bounties, international adjustment, 93–95.
*Cynée, Le Nouveau*, Crucé's, 12; translated, 12–13 *n.*
Czar of Russia and Hague Conference, 63, 69.
Czartoryski Memorandum, 35, 37.
*Czartoryski, Prince Adam, and His Correspondence with Alexander I*, 51.

Dante, universal Christian empire, 12 *n.*

Danube, European Commission of, 85, 86, 98.
Darby, W. E., *International Tribunals*, 30 *n.*, 31 *n.*, 32 *n.*, 33.
*Dawn of Italian Independence*, 129 *n.*
*De Jure Belli ac Pacis*, Hugo Grotius, 56.
Design, The Great, of Henry IV, 17–20, 24, 31, 32.
Dickinson, G. Lowes, *The European Anarchy*, 11.
Disputes, settlement of, 3, 137, 190; by arbitration, 62, 63.
Dominian, Leon, *The Frontiers of Language and Nationality in Europe*, 136.
Dubois, Pierre, Court of Arbitration, 12 *n.*

Empire, Holy Roman, break-up, 2.
England and nationality, 125, 126.
*Essay on a Congress of Nations*, 33.
*Essays and Addresses in Wartime*, 11, 135.
"Eternal Peace," Kant on, 52.
*Europe Since 1815*, 51.
*Europe, The Confederation of*, 33, 38, 51.
*European Anarchy, The*, 11.
Expenses of Permanent Bureau of Postal Union, 92, 93; adopted for expenses of Secretariat, 156.
"European Commission of the Danube, The," 98.
*Experiments in International Administration*, 98.

*Factors in Modern History*, 136.
Feudal system, 122, 123, 125.
*First Book of World Law, The*, 98.
*First Hague Conference, The*, 77.
Fleury, Cardinal, on peace plans, 29.
Food Council, 110, 117; executive department, 113.
Foreign policy, United States, 176–187.
*Foreign Policy, President Wilson's*, 10.
France, history of, 123, 124, 125; and nationality, 123, 125.
Franklin, Benjamin, quoted, 195.
French Revolution, 127.
*Frontiers of Language and Nationality in Europe*, 136.
*Future of Constantinople, The*, 98.

General Postal Union, 90.
George, Lloyd, on League of Nations, 7.
Germany and nationality, 128.

Germany, crushing defeat, 6; violated treaties, 74; submarine campaign, 100.
Gibbons, H. A., *The New Map of Europe*, 130 *n.*
Gompers, Samuel, on League of Nations, 7.
Gore, Commissioner, comment on Jay Treaty, 89.
Great Britain, supplies and credit, 101.
Green, Thomas Hill, on national unity, 119; *Lectures on the Principles of Political Obligation*, 154.
Grotius, Hugo, on international law, 55–58, 80; Sir Frederick Pollock on work of, 56, 57; Andrew D. White at tomb of, 56.

Hague Conference, first, 52, 56, 63, 66, 67, 68, 69, 71; second, 64, 66, 67, 68, 69, 71, 168; third, 69.
*Hague Court Reports, The*, 77.
*Hague Peace Conference and Other International Conferences, The*, 77.
*Hague Peace Conferences: American Instructions and Reports*, 77.
Hale, Edward Everett, belief in Great Design, 31.
Hamilton, Alexander, quoted, 195, 196.
Hapsburg Dynasty, 127, 128.
Hazen, C. D., *Europe Since 1815*, 51.
Henry IV, Great Design of, 17–20, 24, 31, 32; peace plans, 17–20, 31, 32; death, 20, 31.
*Henry IV, The Great Design of*, 17 *n.*
Hertslet, Edward Cecil, *The Map of Europe by Treaty*, 41 *n.*
Hertslet, Lewis, Sir Edward and Edward Cecil, *British and Foreign State Papers* (London, 1841), 39 *n.*
Hides and Leather Executive, 113.
Higgins, A. Pearce, *The Hague Peace Conference and Other International Conferences*, 77.
Hill, David Jayne, *A History of European Diplomacy*, 76; *World Organization as Affected by the Nature of the Modern State*, 72 *n.*, 76, 135; on arbitration, 71, 72; on Peace of Westphalia, 58; quoted, 150 *n.*; *The Rebuilding of Europe*, 154.
*History and Digest of International Arbitrations*, 77.
*History of European Diplomacy, A*, 76.
*History of Italian Unity, A*, 129 *n.*
Holland and nationality, 126.

Holls, Frederick W., *The Peace Conference at The Hague*, 77; at Hague Conference, 52.
Holy Alliance, 41, 42, 49.
Holy Roman Empire, 2.
Honor, questions of national, 71–73.
Hubertusburg, Treaty of, in 1763, 59.
Hull, William I., *The Two Hague Conferences*, 77.

*Immanuel Kant*, 154.
Independence, questions of national, 71–73.
Inquiry, Commissions of, 71.
Instinct, reason and, Kant's analysis, 140, 141.
Instructions to Hague delegates, 168, 171 *n.*
Inter-Allied, Conference of 1917, 103–107; Council on War Purchases and Finance, 103.
*International Government*, 98.
International Law, defined, 53–55; Lord Parker on, 54; Sir Henry Sumner Maine on, 55; Grotius and other writers on, 56, 57; vindication of, 74; President Wilson on, 76.
International, peace, Russia seeking, 8; co-operation, 9, 10, 15; machinery, 10; commerce and world peace, 13; meetings, 59; American conferences, 69, 70; arbitration, 61–73; organizations, 81, 82; rivers, 83–89; Joint Commission of the United States and Canada, 88, 89; post, 90–93; marine conference, 95; sugar conventions, 95; disputes, 137; bureaus, 163; duties, 184.
*International Tribunals*, 30 *n.*, 31 *n.*, 33.
*International Union of the Hague Conferences, The*, 77.
Italy and nationality, 128, 129.

Jay Treaty, 1794, 62.

Kant, Immanuel, *Perpetual Peace*, 33, 52, 146 *n.*, 154; essays, 138; plan for peace, 139–149.
King, B., *History of Italian Unity, A*, 129 *n.*
Knox, Secretary, drafting of treaties, 72.
Krehbiel, E. B., "The European Commission of the Danube," *Nationalism, War and Society*, 98.

Ladd, William, *Essay on a Congress of Nations*, 33.
*Language, The Frontiers of, and Nationality in Europe*, 136.
*Lasting Peace, A*, 34 *n.*, 79 *n.*

*League of Nations, A*, 10, 33.
League of Nations, President Wilson on, 5, 8; Labor war aims, 7, 8; Committee of Peace Conference on the, 192.
*League of Nations and Its Problems, The*, 33.
*League of Nations in History, The*, 33.
*Lectures on Diplomacy*, 59 *n.*
*Lectures on the Principles of Political Obligation*, 154.
Leibnitz, on peace project, 30.
*Life and Times of Cavour, The*, 129 *n.*
Lodge, Senator, on Monroe Doctrine, 177; on draft of Covenant of February 14, 1919, 188.
Lorraine, 124.
*Lost Fruits of Waterloo, The*, 51.
Lowell, President, *Public Opinion and Popular Government*, 130; on draft of Covenant of February 14, 1919, 188.
Lloyd George on League of Nations, 7.
Ludendorff, quoted, 74, 75.

Mahan, Captain, and Monroe Doctrine, 67, 68.
Maine, Sir Henry Sumner, on international law, 55.
*Map of Europe by Treaty, The*, 41 *n.*
Marine Conference, International, 95.
Marini, Antoine, federation of Christian States, 12 *n.*
Maritime, Regulations, 95–98; Transport Council, 109–115, 117.
Mediation, 62, 71, 171 *n.*
*Memoirs of Prince Adam Czartoryski and His Correspondence with Alexander I, The*, 51.
Mission, American, to Paris in 1917, 103.
*Modern Egypt*, 98.
*Monarchia, De*, 12 *n.*
Monroe Doctrine, 49, 67, 68, 176, 177.
Moore, John Bassett, "The Peace Problem," 33; on arbitration, 62; *The Principles of American Diplomacy*, 77; *History and Digest of International Arbitrations*, 67 *n.*, 77.
Muir, Ramsay, *Nationalism and Internationalism*, 33, 135.
Munitions, 99; council, 110.
Münster Conference, 53; Treaty of, 58.

Napoleonic Wars, 127, 128.
Nation-building, 123–131.
*National Governments and the World War*, 33.

National, States, 121–129; development, 123, 129; aspirations, 129; independence, 135; Society of States, 154.
*Nationalism and Internationalism*, 33, 135.
*Nationalism, War and Society*, 98.
*Nationality and Government*, 135.
*Nationality and the War*, 131 *n.*, 135.
*Nationality in Europe, The Frontiers of Language and*, 136.
*Nationality in Modern History*, 33, 135.
Nationality, principle of, 119–135; spirit of, 138, 191, 192.
*New Map of Europe, The*, 130 *n.*
Nitrate Executive, 113.

*Obligation, Lectures on the Principles of Political*, 154.
Ogg and Beard, *National Governments and the World War*, 33.
Oppenheim, L., *The League of Nations and Its Problems*, 33.
Osnabrück, Conference, 53; Treaty of, 1684, 58.

Paris, Conference, 1763, 53; Congress of, in 1856, 60; treaties of, 39, 40, 42, 44, 50, 51, 59, 84, 85.
Paris Conference, 1917, 103.
Parker, Lord, on international law, 54.
Paulsen, Frederick, *Immanuel Kant*, 154.
Peace, by force, 2, 184; qualified under Church, 2; perpetual, 9, 12–32; Roman, 135; of justice, 184.
Peace Conference, 1919, 117, 131, 133, 134, 135, 138, 149, 150, 154, 156, 158, 160; speeches by members of, 187, 188.
*Peace Conference at The Hague, The*, 77.
"Peace Problem, The," 33.
Penn, William, essay on peace, 20, 52; peace plan, 21–24; quoted, 145 *n.*; on war, 190.
Perpetual Peace, 9, 12–32.
*Perpetual Peace*, 33, 52, 146 *n.*, 154.
Philip Augustus, 124.
Phillimore, W. G. F., *Three Centuries of Treaties of Peace*, 76.
Phillips, Walter Alison, *The Confederation of Europe*, 33, 38, 51.
*Philosophical Theory of the State, The*, 155.
Piersoon, Mr., on arbitration plan, 64.
Plan for universal peace, 30.

Plans for Americanization, 191.
Pollard, A. F., *The League of Nations in History*, 33, 51; *Factors in Modern History*, 136.
Pollock, Sir Frederick, on work of Grotius, 56, 57.
Post, international 90–93.
Postal Bureau at Berne, 92.
Postal Union, Universal, 156, 165, 183.
"Power, Balance of," 59.
Powers, reactionary, 47, 49.
Precop of Tartary, 14, 17.
*President Wilson's Foreign Policy*, 10.
Prester John, 14, 17.
*Principle of Nationality, The*, 135.
*Principles of American Diplomacy, The*, 77.
Prize Court, International, 65, 66.
*Problem of an International Court of Justice*, 77.
Program committees, 101, 109–113, 117.
Prussia, belief in methods of force, 5.
*Public International Unions, Their Work and Organization*, 98.
*Public Opinion and Popular Government*, 130.

Quadruple Alliance, 38, 41, 42, 49.
Quintuple Alliance, 44, 49.

Ravitaillement, Commission Internationale de, 100, 101, 102, 103.
*Rebuilding of Europe, The*, 154.
Reason, instinct and, Kant's analysis, 140, 141.
Recreating Europe, 131, 132.
Reinsch, Paul S., on non-governmental agencies, 81; *Public International Unions, Their Work and Organization*, 98.
*Reports to the Hague Conferences of 1899 and 1907*, 77.
Revolution, commercial, 13, 127; French, 127.
Rhine, international management, 50; courts, 84.
Ritchie, D. G., *Studies in Political and Social Ethics*, 155.
Rivers, international, 83–89.
Roman Empire, 2; breaking up, 122.
Roman Peace, 135.
Roosevelt, President, and the Hague Conference, 65, 69; on Monroe Doctrine, 176.
Root, Elihu, instructions to Hague delegates, 168, 171 *n.*
Rose, J. H., *Nationality in Modern History*, 33; *Wil-*

*liam Pitt and National Revival; William Pitt and the Great War*, 51.
Rousseau, J. J., on peace project, 30, 31; perpetual peace, 34; *A Lasting Peace*, 30 *n.*, 34 *n.*, 78, 79 *n.*
Royce, Josiah, *The Spirit of Modern Philosophy*, 154.
Ruyssen, Theodore, *The Principle of Nationality*, 135.

Salter, J. A., British Minister of Shipping, 117 *n.*
*Sancte, De Recuperatione Terre*, 12 *n.*
Sayre, Francis Bowes, *Experiments in International Administration*, 98.
Schücking, Walther, *The International Union of the Hague Conferences*, 77.
Scott, James Brown, *Reports to the Hague Conferences of 1899 and 1907*, 77; *Hague Peace Conferences; American Instructions and Reports*, 77; *The Status of the International Court of Justice*, 77; *American Addresses at the Second Hague Conference*, 77; *The Hague Court Reports*, 77.
Self-determination rule, difficulty of application, 130–132.
Seton-Watson, R. W., *et al.*, *The War and Democracy*, 136.
Society of States, 178, 179, 180, 184, 193, 194.
Spanish Succession, Wars of, 58.
*Spirit of Modern Philosophy*, 154.
*State, The Philosophical Theory of the*, 155.
State-Sovereignty, 184.
States, amalgamation, 3, 4, 5; national, 121, 122, 123, 127, 128, 129; of Europe started anew, 134, 135; Society of, 178, 179, 180, 184.
*Status of International Court of Justice*, 77.
*Studies in Political and Social Ethics*, 155.
St. Pierre, Abbé de, plan for perpetual peace, 24–29.
Sugar commission, permanent, 93, 94; International Convention, 95.
Sully, Duke of, memoirs, 17, 52.
Sumner, Prof. William Graham, quoted, 142 *n.*; "War," 10.

Taft, President, on League of Nations, 7; treaties with France and England, 72, 73; on proposed Covenant, 176, 183, 188.

Tawney, James A., statement by, 89.
Territorial independence, 119.
Thayer, W. R., *The Dawn of Italian Independence; The Life and Times of Cavour*, 129 *n.*
*Theory of the State, The Philosophical*, 155.
*Three Centuries of Treaties of Peace*, 76.
Tonnage, allocation, 102, 104, 105, 108.
*Towards the Present and Future Peace of Europe*, 20.
Toynbee, Arnold J., *Nationality and the War*, 131 *n.*, 135.
Transport Council, Allied Maritime, 109–115, 117.
Treaties: Aix-la-Chapelle, 59; Bryan, 73, 180; Hubertusburg, 59; Jay, 62; Münster, 58; Osnabrück, 58; Paris, 42, 44, 50, 51, 59, 84, 85; Utrecht, 58; Versailles, 59; Vienna, 42, 44, 49; Westphalia, 133, 134.
*Treaties of Peace, Three Centuries of*, 76.
Triple Alliance, 49.
Troppau, Protocol of, 47.
*Two Hague Conferences, The*, 67 *n.*, 77.

Unanimity in voting required in Allied Maritime Transport Council and Program Committees, 115, 116; required in international conferences, 167.
Unions, international, 81, 82; General Postal, 90.
United States, foreign policy, 176–187.
Universal, Christian empire, 12 *n.*; guarantees, 41, 42, 43, 44; Postal Union, 90, 91, 137, 156, 165, 183.
Utrecht, Conference, 1713, 53; Treaty of, 58.

Versailles, Treaty of, 1783, 59.
Vienna, Congress of, 1815, 53, 59, 61, 84, 86, 87; Treaty of, 42, 44, 49.
Vital interest, questions of, 71–73.
Voting power, in William Penn's plan, 22, 23; under American Articles of Confederation on, 23 *n.*; under the Abbé de St. Pierre's plan, 24–30; under the draft of Covenant of February 14, 1919, 166–168.

War, causes, 2–6, 141–143, 148; aims, 6–8; "duels of princes," 190.
*War and Democracy, The*, 136.
*War and Other Essays*, 10.

Wehberg, Hans, *The Problem of an International Court of Justice*, 77.
*Western Civilization in Its Economic Aspects*, 136.
Westphalia, Peace of, in 1684, 58, 133, 134.
Wheat Executive, 102, 113.
White, Andrew D., ambassador, 64; at tomb of Grotius, 56; autobiography, 67, 68; *The First Hague Conference*, 77.
Wickersham, Geo. W., on draft of Covenant of February 14, 1919, 188.
Wilson, President, on international law, 76; quoted, 178, 179, 185, 186.
*Wilson's, President, Foreign Policy*, 10.
*William Pitt and National Revival; William Pitt and the Great War*, 51.
Woolf, Leonard S., *International Government; The Future of Constantinople*, 98.
*World Court in the Light of the United States Supreme Court, A*, 77.
*World Organization as Affected by the Nature of the Modern State*, 135.
World-State, 156, 157, 184.

Zimmern, A. E., *Nationality and Government*, 135.

THE END

# Redwood Library

## SELECTIONS FROM THE RULES

1. Three volumes may be taken at a time and only three on one share. Two unbound numbers of a monthly and three numbers of a weekly publication are counted as a volume.

2. Books other than 7-day and 14-day ones may be kept out 28 days. **Books cannot be renewed or transferred.**

3. Books overdue are subject to a fine of one cent a day for fourteen days, **and five cents a day for each day thereafter.**

4. Neglect to pay the fine will debar from the use of the Library.

5. No book is to be lent out of the house of the person to whom it is charged.

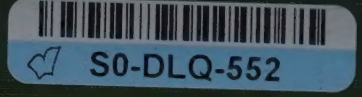
6. Any person who shall soil (deface) or damage or lose a book belonging to the Library shall be liable to such fine as the Directors may impose; or shall pay the value of the book or of the set, if it be a part of a set, as the Directors may elect. All scribbling or any marking or writing whatever, folding or turning down the leaves, as well as cutting or tearing any matter from a book belonging to the Library, will be considered defacement and damage.

DEC 19 1919

F°H:.M83

DEC 27 1962

WITHDRAWN


S0-DLQ-552